

Council Meeting Agenda

Date & Time: Monday, April 15, 2019 9:00 – 3:30

Teleconference Details: 1 (866) 261- 6767 (from outside the GTA)
(416) 850 -2050 (from Toronto)
Access Code: 67893747#

1	Call to Order Roll Call, Welcome	K. Alger	Verbal		9:00 a.m.
2	Conflict of Interest Declarations	K. Alger	Verbal	Decision	9:05 a.m.
3	Approval of Agenda	K. Alger	Verbal	Decision	9:10 a.m.
4	Approval of Minutes	K. Alger	Verbal	Decision	9:10 a.m.
5	Action Items from the December 3-4 Meeting <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 advantage 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 				9:15 a.m.
6	Committee Reports – questions only <ul style="list-style-type: none"> • Registration • Quality Assurance • ICRC • Q2 Finance Report 	Committee Chairs	Document included	Information	9:20 a.m.
7	Competency Development and Implementation – phase 1	D. Theakston	Verbal	Presentation	9:25 a.m.
8	2019 Election Dates	D. Theakston	Document	Decision	9:40 a.m.
9	Complementary/ Alternative Therapies Guideline	E. Bruce	Document	Decision	9:45 a.m.
BREAK					
10	Strategic Planning Review	C. Forsyth	Document	Decision	10:15 a.m.
LUNCH					
11	Funding for Therapy Policy	E. Bruce	Document	Decision	1:30 p.m.
12	Minutes/Council Report re: Special Meeting on CNO Submission to MOHLTC	B. Kritzer	Document	Information	1:45 p.m.
13	Specialties Proposal – OATA <ul style="list-style-type: none"> - Declarations of Conflict of Interest - Selection of Committee 	K. Alger	Verbal	Presentation	2:00 p.m.
ADJOURNMENT					3:30 p.m.

	College of Kinesiologists of Ontario Council Meeting Minutes
Date/time of meeting	Monday, December 3 rd , 2018 at 9:30 a.m.
Chair	Ken Alger
Note Taker	Danae Theakston
Present	Derek DeBono, Mary Pat Moore, Marilyn Bartlett, Michelle Meghie, Stephanie Moser, Lori Anne Beckford, Michelle Young, Elwin Lau, Ryan Wight, Ken Alger, Chad McCleave, Jennifer Pereira, Jenn Bushell, Kalen Johnson, Graydon Raymer (Teleconference)
Regrets	Nelson Amaral, Steve Anderson, Nicole DiFilippo
Staff/guests in Attendance	Staff: Brenda Kritzer, Nancy Leris, Danae Theakston, Eric Bruce, Magda Reder, Tracey Scott Guests: Doug Ross (MOHLTC)
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. No conflicts of interest were declared.
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	UPON A MOTION duly made by Ryan Wight and seconded by Kalen Johnson, it was resolved that the agenda be approved. Carried.
Approval of Minutes	UPON A MOTION duly made by Mary Pat Moore and seconded by Marilyn Bartlett, it was resolved that the Minutes of September 10-11, 2018 be approved with the revision of correcting member attendance. Carried.
	Action Items Review
	<ul style="list-style-type: none"> • Add the fee breakdown to the College's website, perhaps under the membership portal. • Add information to the website regarding the advantage of being a regulated health professional. • Schedule a facilitated discussion regarding Core Competencies.
	Committee Reports Discussion
	Reports were provided by ICRC, Quality Assurance, Registration and Planning and Finance regarding their Committees as well as a performance plan for Q1, which highlighted committee meetings, activities and discussions that took place since the previous Council meeting.

	<p style="text-align: center;">Examination Appeals Committee Appointment</p> <p>Due to the need for an Examination Appeals Committee meeting to take place on December 3rd in order to provide a timely decision regarding the applicants appeal, and only two members of the committee being available to meet today, a resolution to appoint Jennifer Pereira to the Examination Appeals committee was brought forward.</p> <p>UPON A MOTION duly made by Derek DeBono and seconded by Stefanie Moser, it was resolved that the Jennifer Pereira be appointed as a member of the Examination Appeals committee. Carried.</p>
	<p style="text-align: center;">Appointment of non-Council committee members</p> <p>An updated committee slate was brought forward with the addition of new non-Council committee members.</p> <p>UPON A MOTION duly made by Jennifer Pereira and seconded by Elwin, it was resolved that Council approved the revised 2018/2019 committee slate. Carried.</p> <p>Following the motion being carried, Ryan Wight noted that his name was not listed under the Registration Committee on the slate. UPON A MOTION duly made by Kalen Johnson and seconded by Mary Pat Moore, council approved to have the slate amended to name Ryan Wight to the Registration committee. Carried.</p>
	<p style="text-align: center;">Communications Update</p> <p>Danae Theakston, Communications Officer, provided an update on the current Communications goals and strategies. Highlighting the university visits, Danae proposed engaging students in lower years as well as upper years for their presentations. This provides an opportunity to provide information about the College and the profession of Kinesiology early on in their university career to ensure it is a consideration as a profession.</p>
	<p style="text-align: center;">BREAK</p>
	<p style="text-align: center;">President's Report</p> <p>Ken Alger, President, provided an update on the CNAR Conference that he attended in October. Key highlights that Ken noted and shared with the Council included:</p> <ul style="list-style-type: none"> - A presentation on the notion of self-regulation and disruptive strategy in areas of online reviews - If you're looking for someone who's operating in the profession, who do you usually go to get those recommendations? Friends, family, etc. - Disruption comes about due to excess capacity - #MeToo movement. Focus on the high profile allegations in the regulatory context. - McMaster health forum report – individuals who had participated in the

	public consultation who spoke to the process.
	<p style="text-align: center;">Amendment to the Reserve Funds Policy</p> <p>Eric Bruce, Director of Professional Conduct, spoke to the amendments made to the Reserve Funds Policy which helps to clarify what the reserve funds are used for as well as updates related to the therapy and council reserve funds to meet the code. The recent amendments to the legislation expanded the criteria for eligibility, so the reserve fund policy was amended to bring our policy up to legislative standards.</p> <p>Upon a motion duly made by Chad McCleave and seconded by Elwin Lau, be it resolved that the Council approve the revised College’s Reserve Fund Policy as appended to this resolution. Carried.</p>
	<p style="text-align: center;">Amendments to the Terms of Reference for the Planning and Finance Committee</p> <p>Discussion took place during an Executive Committee meeting to amend the terms of reference to include the appointment of having a public member and the appointment of a Chair of the Finance and Planning Committee. This amendment places a focus on the transparency that the College is always striving for, and in turn will help to lower risk by ensuring we are being open and transparent in our financial decisions.</p> <p>Upon a motion duly made by Stefanie Moser and seconded by Michelle Young, be it resolved that the Council approve the amendments to the Terms of Reference for the Planning and Finance Committee. Carried.</p>
	<p style="text-align: center;">Registration: Renewal Statistics Presentation</p> <p>Magdalena Reder, Examination and Registration Coordinator, provided a presentation which outlined the College’s statistics following the 2018 renewal phase. Key highlights included:</p> <ul style="list-style-type: none"> - the addition of “do not identify” to the gender portion of the renewal form - addition of deeper definitions of clinical versus non-clinical on the nature of practice portion of the renewal form - practice area – addition of more areas of practice based on the number of people who responded <i>other</i> and <i>not applicable</i> - addition of the ability to select multiple areas of practice instead of just selecting ONE for the primary
	LUNCH
	<p style="text-align: center;">Council Development-The Practice of Kinesiology (#3)</p> <p>As an ongoing opportunity for our Council members to learn more about the field of kinesiology and the roles kinesiologists hold, Kinesiologists were invited to present to Council their roles and the work they do as a kinesiologist. Kathie Sharkey, R.Kin, presented to Council.</p>

Council Development – Peer and Practice Assessment Presentation

Sue Behari, Director of Quality Assurance, provided an update on the Spring 2018 Peer and Practice Assessment, making note of the College’s decision to increase the number of Peer and Practice Assessments to 34 for the Fall 2018 cycle.

The College was joined by Alexandra Roshan, R.Kin, who spoke to her experience in completing the Peer and Practice Assessment and learning opportunities that came forward from the assessment.

	College of Kinesiologists of Ontario Council Meeting Minutes
Date/time of meeting	Tuesday, December 4, 2018 at 9:30 a.m.
Chair	Ken Alger
Note Taker	Danae Theakston
Present	Ken Alger, Mary Pat Moore, Marilyn Bartlett, Stephanie Moser, Lori Anne Beckford, Elwin Lau, Chad McCleave, Michelle Meghie, Jennifer Pereira, Nicole Difilippo, Nelson Amaral, Derek Debono (Teleconference)
Regrets	Steve Anderson, Graydon Raymer, Ryan Wight, Jennifer Bushell, Michelle Young, Kalen Johnson
Staff/guests in Attendance	Staff: Brenda Kritzer, Nancy Leris, Danae Theakston, Tracey Scott, Magda Reder Guests: Samia Shaheen (MOHLTC)
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.
	Draft Financial Statements
	Due to the College beginning a new fiscal year now running September 1 – August 31, a stub-year audit was conducted. The draft financial statements for the College’s stub year audit report were brought forward to council. MOTION UPON A MOTION duly made by Chad McCleave and seconded by Stefanie Moser that the College approve the financial statements for the period ending August 31, 2018 for circulation, and submission to the Minister of Health and Long-Term Care. Carried.
	Operational Plan
	Brenda Kritzer, Registrar and CEO, provided an update on the College’s Operational Plan, which will be developed in the coming months in alignment with the newly approved budget and fiscal year. Referencing the Q1 performance report, Brenda touched on the key deliverables for each department of the College for the upcoming quarter.
	Draft Budget
	Nancy Leris, Director of Finance, provided an update on the College’s newly developed budget for 2018-2021. MOTION UPON A MOTION duly made by Mary Pat Moore and seconded by Nelson Amaral that the College approve the proposed budget for the period of 2018-2021. Carried.

	BREAK
	<p style="text-align: center;">Travel Policy</p> <p>Brenda Kritzer, Registrar and CEO, presented the updated Travel policy to the College. The policy was updated to reflect current legislation of the Ministry.</p> <p>MOTION</p> <p>UPON A MOTION duly made by Jennifer Pereira and seconded by Nelson Amaral that the College rescind the previous travel policy and replace the newly proposed travel policy, effective December 4, 2018. Carried.</p>
	<p style="text-align: center;">Strategic Planning Update</p> <p>The Strategic Planning Steering Committee, which consists of Brenda Kritzer, Registrar and CEO, Marilyn Bartlett (public member), Mary Pat Moore (public member) and Elwin Lau, R.Kin., met to review the RFPs for a strategic planning facilitator that were submitted to the College. The College received eight responses and selected Christine Forsyth and Associates as the successful candidate.</p> <p>Straw poll – the scheduled March 25-26 Council meeting date will be a closed meeting to the public, to hold a strategic planning workshop. A one-day meeting will be scheduled in April for Council to conduct Council business.</p> <p>Action item – doodle poll for 1-day April meeting</p>
	<p style="text-align: center;">Registrars Report</p> <p>Brenda Kritzer provided a brief update to Council to advise that the College’s new Manager of Registration Services, Keisha Simpson, will start with the College of December 17, 2018. Keisha brings a wide range of experience and background to the College, and we are looking forward to having her join our team.</p>
	LUNCH
	<p style="text-align: center;">Council Development - Presentation – “The Educational Program”</p> <p>Presentation from Mardy Frazer <i>The Educational Program or Detangling Postsecondary Credentials.</i></p> <p>Mardy Frazer provided Council with a presentation highlighting educational programs and the credentials and elements that dictate the different levels of post-secondary education.</p>
	<p style="text-align: center;">Review of Action items</p> <ul style="list-style-type: none"> • Add the fee breakdown to the College’s website, perhaps under the membership portal. • Add information to the website regarding the advantage of being a regulated health professional. • Schedule a facilitated discussion regarding Core Competencies. • Distribute a doodle poll to assist in scheduling the one day Council

	<p>meeting for April 2019.</p> <ul style="list-style-type: none">• Determine if converting the newsletter to a podcast would be feasible• Addition of specific areas to the Registration form to better target collection of data for the College and members• Peer and Practice Assessment – the development of a buddy system/evaluation of the process of the PPA, specifically the length• Submission of Council member expenses before the end of 2018 calendar year.• Development of a health outcomes survey – further investigate the benefits of a health outcomes survey from members.
	<p style="text-align: center;">Motion for Adjournment</p> <p>Moved by Nelson Amaral and seconded by Nicole Difilippo at 2:41 p.m. Carried.</p>

Registration Report

Committee: Registration
Prepared for: Council
Date: April 15, 2019

Registration Report

Meetings

Since its last report to Council the Registration Committee met once to conduct an orientation training session for new members. A panel of the registration committee also met once to review the following referrals from the Registrar:

- Approval of remediation plan for 3rd attempt at the exam – **5** (1 applicant deferred)
- Reinstatement to the general class after being inactive for more than 2 years – **2** (1 applicant deferred)
- Exemption from one-year period of eligibility for registration - following notification of passing the exam – **2**
- Exemption request from writing exam after resignation and re-application – **1**
- Exceeded allotted timeline for writing the exam – **1** (applicant withdrew)
- Assessment of Education - **6**

In total the abovementioned panel reviewed 14 files, and also issued its decision on an additional applicant's appeal to the Health Professions Appeal and Review Board (HPARB), based on the directive it received from HPARB.

Spring Examination

The spring sitting of the College's entry-to-practice examination is scheduled on April 6, 2019.

The number of applicants who are registered to write the exam is 214, which includes 8 candidates with special accommodations. The fall exam is scheduled for Saturday September 7, 2019.

Fair Registration Practices Report

The annual Registration Practices Report was submitted on March 4, 2019. This report included the College's qualitative and quantitative information relating to registration. The report has been posted to the College's website.

The qualitative information:

- Policies
- Procedures and/or processes changes
- Resources for applicants
- Training resources for staff, and committee members

The quantitative information:

- Applicant and member descriptions
- Applications processed
- Reviews and appeals processed

Committee and Program Report

Committee: Quality Assurance
Prepared for: Council
Date: April 15, 2019

A Panel of the Quality Assurance Committee will have five times via teleconference since the last report made on December 3/4, 2018 Council meeting.

1. December 6, 2018
2. January 30, 2019
3. February 8, 2019
4. March 7, 2019
5. March 8, 2019

Summary of Peer and Practice Assessment Decisions:

PPA Cycle	Number of Member PPA Files reviewed	Decisions Demonstrated Change Report (DCR) No Further Action (NFA)
Spring 2017	2 files for same member reviewed on December 6, 2018 and March 8, 2019	NFA – March 8, 2019 DCR – December 6, 2018
Spring 2018	10 Files Includes 2 Files that were reviewed twice for two members on December 6, 2018 and March 7, 2019	6 – NFA 4 – DCR for the two files that were reviewed twice

Fall 2018	28 Files	20 – NFA 7 – DCR 1 – referred back to the QA Committee for review of decision
	3 Files reviewed for non-compliance with the QA Program	3 referrals to ICRC

The QA committee made a Total of 33 decisions.

Gearing up for Spring 2019 PPA

Focus on assessing members who report < 1500 practice hours over the last three year period.

2018 Self-Assessment

The College is launch the 6th Annual Self-Assessment period – December 1, 2018 to March 1, 2019. All General Class members were required to complete their self-assessments and individual learning plans by an extended deadline of April 1, 2019. Extension was due to some technical issues with Skillsure.

Complementary/Alternative Therapy Guideline

On February 8, 2019, Eric Bruce, Director of Professional Conduct, presented a draft guideline on complementary/alternative therapies in kinesiology practice for the Committee’s consideration.

The Quality Assurance Committee was asked to review the draft and comment, both during a panel meeting of the Committee and by the committee as a whole through e-mail.

The guideline was approved in principle by the Quality Assurance Committee and will be brought to Council at the April 2019 meeting with a recommendation from the Committee that the draft guideline be circulated to the membership and stakeholders for comment.

Committee Report

Committee: Inquiries, Complaints, and Reports Committee
Prepared for: Council
Date: April 15, 2019

Since its last report to Council in early December 2018, panels of the Inquires, Complaints, and Reports Committee (ICRC) have met on three occasions. At these meetings, panels have taken the following actions:

- Issued two decisions in complaint matters, offering the member practice advice and recommendations in one matter, and taking no action in the other;
- Requesting the appointment of an investigator pursuant to s. 75(1)(b) of the *Health Professions Procedural Code* (“Code”) in three matters; and
- Approving the appointment of an investigator pursuant to s. 75(1)(a) of the Code in one matter.

There are currently three complaint matters and four report matters under investigation and pending review by the ICRC.

On January 10, 2019, the Health Professions Appeal and Review Board held a review of a complaint matter decided by the ICRC in June 2018. The Director, Professional Conduct, attended the review on behalf of the College. The decision and reasons of the Board to confirm the decision of the ICRC were issued on March 29, 2019.

REVENUES

COLLEGE OF KINESIOLOGISTS OF ONTARIO
REVENUES RECEIVED TO DATE & FORECAST TO YEAR END
FOR THE FISCAL YEAR 2018/2019

updated 3/28/2019

	1	2	3	4	5
CATEGORY	APPROVED REVENUE FORECAST (SEPT 1 2018 TO AUG 31, 2019)	ACTUAL Q1 & Q2 (SEPT - FEB) 2018/2019	PROJECTIONS Q3 (MAR - MAY) 2018/2019	PROJECTIONS Q4 (JUN - AUG) 2018/2019	VARIANCE TO YEAR END 2018/2019
	\$	\$	\$		\$
Revenue:					
Jurisprudence Fee (\$48.25)	21,713	10,133	2,413	9,168	0
Application Fee (\$100)	45,000	20,000	2,000	22,500	-500
Examination Fee (\$400)	170,000	76,500	4,400	84,000	-5,100
Registration Fees*	1,652,150	249,028	7,475	1,342,852	-52,795
Interest Income	8,000	18,586	8,097	8,097	26,780
TOTAL REVENUE	1,896,863	374,247	24,385	1,466,616	-31,615
*Registration Detail	Approved Forecast	Actual Q1 & Q2 Sept to Feb	Projections Q3 Mar - May	Projections Q4 Jun - Aug	Variance to Year End
	\$	\$	\$	\$	\$
New Registrants					
- Sept - Nov (\$650) Q1	65,000	83,850			18,850.00
- Dec - Feb (\$487.50) Q2	29,250	27,475			- 1,775.00
- Mar - May (\$325) Q3	10,400	-	7,475		- 2,925.00
- Jun - Aug (\$162.50) Q4	13,000	-		9,750	- 3,250.00
Renewal (\$650)	1,450,500	99,115	-	1,270,302	- 81,083.10
Change in Status (members back)	-	4,388	-		4,388
Professional Corporation	1,200	800	-	400	-
Inactive Renewal (\$200)	74,000	24,450	-	62,400	12,850
Inactive Renewal Late Fee(\$50)	2,500	2,850	-	-	350.00
Renewal Late Fee (\$100)	6,000	5,500	-	-	- 500.00
Re-instatement Fee (\$325)	300	600	-	-	300.00
Total	1,652,150	249,028	7,475	1,342,852	-52,795

Notes

New members registering increased in Q1 and slightly decreased in Q2 as projected. Expected decrease in Q3 & Q4 as a result of resignations and increase in inactive class status.

Registration revenue for Q1 & Q2 represent late renewals in the general and inactive classes.

Exams Revenue: Projections for Q1, Q2 & Q3 are on target. Q4 projections are expected to come slightly lower because of a timing issue. Members will be paying in September (Q1) of the new fiscal year.

Interest Income: exceed projections as a result of funds in the college's operating account because of rising interest rates. Original projections were based on interest rates at the time and interest to be collected from the College's GIC

Overall, we expect to come slightly under in the following revenue categories: Application, Examination and Registration revenues.

COLLEGE OF
KINESIOLOGISTS
OF ONTARIO



Competency Development and Implementation – Phase 1

Implementation of a Competency Model



- Council has endorsed the development of a competency model and increased transparency such that public trust in governance of Kinesiologists in the public interest is assured.
- Council has the opportunity to begin immediately to demonstrate and to use competency-based model of governance in several ways.
- Other initiatives discussed by Council will take more time and require Council's clear endorsement of the Competency Profile and the strategies for implementation in relation to elections and appointments.

Implementation Process

Phase 1



Define process for
selecting item
writers

Evaluation of
applications

Appointment of
Committee



Phase 2

Council consideration of a Competency Profile

Identify the strategies from workshop and priorities for implementation in a competency-based model

Determine the Communications strategy to support and promote a competency model of governance



Competencies

Applications will be considered based on the following considerations and competencies:

CURRENT CONSIDERATIONS

- Geographic representation;
- Area of practice, expertise and knowledge;
- Years of experience;
- Gender;
- Language (French or English);
- Currency of Practice;
- Other relevant experience; and
- Academic diversity.

COUNCIL COMPETENCIES

- Professional judgement;
- Listening/Understanding;
- Decision making;
- Integrity/Ethics/Values;
- Professional awareness;
- Conflict management;
- Strategic thinking;
- Understanding of the practice of kinesiology; and
- Understanding of the health professions regulatory framework.



Next Steps

- Determine Selection Panel for Item Writers
- Appoint the Item Writers – June Council meeting
- Determine approach to development of Competency Profiles
- Determine review and approval process
- Confirm direction to Committees/Executive Committee to develop a Competency model for review by Council at Fall/Winter meeting
- Implement communications strategies beginning with recruitment of Item Writing Committee and other committees moving forward (e.g. examination committee)



Thank You

Web www.coko.ca

Email info@coko.ca

2019 Council Elections- District 1; District 4 (one member); District 5 (one member); District 7

Members up for election- Michelle Young, Elwin, Nicole, Graydon

Deadline	Task	Person(s)
Sat. August 10	Conduct recount (No more than 10 days after receiving request)	BK
Wed. July 31	Final day to request a recount (15 days after the election date)	
Tues. July 23	Election results emailed to voting members and posted to the website	DT
July 18-19	All candidates notified of results via telephone	BK
Monday. July 15	Final reminder re. voting	BP
Fri. July 12	Reminder one re. voting	BP
July 9-16	Election period. Poll closes at 11:59 p.m. EST July 16	
Tues. July 9	Poll is open messages	DT/BP
Mon. July 8	Obtain list of members eligible to vote	DT
Tues. July 2	Reminder 2 re. voting	DT/BP
Tues. June 26	Reminder 1 re. voting	DT/BP
Tues. June 18	Official notice of election and/or acclamation emailed directly to all members eligible to vote and posted to the website (21 days before the election)	DT/BP
Mon. June 10	Obtain list of members eligible to participate in the election	DT
Mon. June 10	Final day for candidates to withdraw nominations (30 days before the election)	
Tues. May 28	Notice sent to candidates re. acceptance of nomination. Include save the dates for upcoming Council and committee meetings	DT
Mon. May 27	Vet and verify candidates per the requirements of By-Law 10.13	DT
Fri. May 24	Nomination deadline (at least 45 days before the election)	
Wed. May 22	Final reminder re. nominations	DT/BP
Wed. May 15	Reminder 2 re. nominations	DT/BP
Wed. May 8	Reminder 1 re. nominations	DT/BP
Wed. May 1	Notice of nomination emailed directly to eligible members (No later than 60 days before the election)	DT/BP
Mon. April 28	Obtain list of members eligible to participate in the nomination	DT
March & April	Notice of nomination/election published in @CKO and on website	DT
March 17-22	Engage BigPulse	DT/Dominic

Resolution– 2019 Council Election Date

Whereas the College is required under By-Law 10.06 to hold an election of members to Council in 2019 for the Council member from District 1; one Council member from District 4, one Council member from District 5, and the Council member from District 7 (Academic); and

Whereas the Council is required under By-Law 10.07 to direct the Registrar to set the date for elections; and

Whereas the Registrar has proposed the dates of election as July 9-16, 2019 to ensure consistency with the time period established for previous elections, and to allow kinesiologists ample time to vote;

Therefore, be it resolved that Council directs the Registrar to publish immediately July 9-16-, 2019 as the election dates in districts 1, 4, 5 and 7.

Moved by: _____

Seconded by: _____

Date: April 15, 2019

Practice Guideline- Complementary/Alternative Therapies

Introduction

In kinesiology, **conventional therapies** are evidence-based therapeutic interventions, founded on a modern conceptualization of disease/dysfunction and rooted in the scientific principles of biology, anatomy, and biomechanics. These therapies, like exercise prescription and functional ability assessment, form the core of kinesiology practice.

Complementary/alternative therapies fall within a broad group of therapeutic practices, services, remedies, or devices based on various theories or beliefs, which may or may not be grounded in evidence-based practice and scientific principles. Examples include acupuncture, herbal supplements, and homeopathic remedies.

There may not always be a clear distinction between conventional therapies and complementary/alternative therapies. Moreover, some aspects of complementary/alternative therapies may become incorporated into conventional kinesiology practice over time if scientific evidence and support for the particular intervention expands.

Given the growth in interest in complementary/alternative therapies among both the public and practitioners, the purpose of this Guideline is to provide information regarding the College's expectations for kinesiologists who

- may recommend or provide complementary/alternative therapies in conjunction with their practice of conventional kinesiology, or
- may have patients seeking or receiving complementary/alternative therapies in addition to conventional kinesiology treatment.

Expectations for Practice

General Expectations

The following general principles apply to all areas of kinesiology practice. These principles should guide a kinesiologist when dealing with complementary/alternative therapies, including when recommending or directly providing such therapies and in dealing with a patient who requests or is receiving these therapies from another provider.

Practice Guideline- Complementary/Alternative Therapies

Act in the Best Interests of the Patient

- As regulated healthcare professionals, kinesiologists must always act in the best interests of the patient. A kinesiologist's recommendations and treatment must be focused on the needs, goals, and interests of the patient, not on the interests of the kinesiologist. Kinesiologists must refrain from the exploitation of patients for personal or professional gain.

Respect the Autonomy of Patient Choice

- Patients are entitled to set goals and make decisions about their care, including goals and decisions with which the treating kinesiologist may disagree. Kinesiologists should serve as a trusted resource for healthcare information by providing unbiased, accurate, and clinically appropriate recommendations for treatment to support informed patient choice.
- Kinesiologists should acknowledge the diversity of cultures within a multicultural patient population, including indigenous/First Nations cultures, and respect how these differing cultural perspectives may inform patient choice.
- Kinesiologists must always obtain a patient's informed consent prior to initiating treatment and comply with the College's *Standard of Practice on Consent*.

Avoid or Appropriately Manage Conflicts of Interest

- Kinesiologists are expected to avoid or appropriately manage potential conflicts of interest and to comply with the College's *Practice Standard on Conflicts of Interest*. This is of particular importance when recommending or providing complementary/alternative therapies in which the kinesiologist may have a personal or financial interest.

Practice within the Limits of Personal Skill, Knowledge and Judgement

- Kinesiologists are expected to limit their practice, whether conventional or complementary/alternative, to their individual sphere of competence. Kinesiologists must ensure that they possess adequate skill, knowledge, and judgement to recommend or provide any treatment modality, and should refer patients to other healthcare practitioners where the required or requested treatment would fall outside of this sphere.

Practice Guideline- Complementary/Alternative Therapies

Compliance with Governing Laws, Standards and Guidelines

- Kinesiologists must comply with all governing laws, standards, and guidelines, both relating to their practice of kinesiology and any other complementary/alternative therapy they may offer. This includes the College's professional standards as well as any licensing/registration requirements and professional standards related to other specifically-regulated therapies (e.g. acupuncture).

Specific Expectations: Recommending or Providing Complementary/Alternative Therapies

Conventional Assessment First

Prior to recommending or providing a complementary/alternative therapy to a patient, a kinesiologist must first have performed a conventional patient assessment and formulated conventional treatment recommendations on the basis of that assessment. The kinesiologist's clinical assessment and judgement must be informed by evidence-based practice and be in keeping with all applicable professional standards and obligations.

Criteria for Complementary/Alternative Therapy

Moreover, if a kinesiologist plans to recommend or provide a complementary/alternative therapy to a patient, the recommended therapy must satisfy the following criteria:

- The therapy must be logically related to the patient's condition and treatment goals.
- The therapy must have a reasonable expectation of improving the patient's condition or helping them to achieve their treatment goals.
- The overall risks and costs of the therapy must not outweigh its potential benefits, in particular when compared with conventional therapies.

Patient Discussion

In discussing treatment options with a patient, and when obtaining a patient's informed consent, the kinesiologist must do the following:

- The kinesiologist must provide accurate and objective information about all therapeutic options, including conventional therapies, and never overstate or exaggerate the benefits (or understate or minimize the risks) of a particular therapy.
- The kinesiologist must never make a claim about a remedy, treatment, device or procedure other than a claim that can be supported as reasonable professional opinion.

Practice Guideline- Complementary/Alternative Therapies

- When recommending a complementary/alternative therapy, the kinesiologist must provide the patient with the following information about the therapy:
 - The extent to which the therapy is supported by conventional kinesiology practice and scientific evidence.
 - How the therapy would compare with conventional kinesiology therapies.
 - A reasonable assessment of the expected clinical efficacy of the therapy.

As noted above, a kinesiologist who plans to recommend or provide complementary/alternative therapies must ensure that any potential conflict of interest is avoided or appropriately managed and that they have the requisite skills, knowledge, and judgement to do so safely and effectively.

Specific Expectations: Patient Requesting or Receiving Complementary/Alternative Therapies

Patient Requests

Patients may sometimes request information about or ask a kinesiologist to provide a particular complementary/alternative therapy. Kinesiologists are not expected to be knowledgeable about every complementary/alternative therapy that a patient may ask about, nor are kinesiologists expected to provide a particular therapy simply because it was requested by a patient.

Kinesiologists are expected to limit their practice to their sphere of competence and to recommend and provide treatment in accordance with their professional judgement and the patient's best interests. To the extent possible, kinesiologists should act as a resource for accurate and objective treatment information and should refer patients to another trusted source, such as another regulated healthcare provider, if the kinesiologist is unable to answer particular questions.

Patients Receiving Therapies Elsewhere

When completing clinical histories for patients, kinesiologists should ask their patients about other treatments they are receiving, including complementary/alternative therapies. Kinesiologists should make a record of any complementary/alternative therapies in the patient record and be mindful of any possible interactions or contraindications that these therapies may create with the patient's kinesiology plan of care. Kinesiologists should keep patient clinical histories updated at regular intervals in keeping with the College's recordkeeping standards.

Acknowledgement

The College thanks and acknowledges the College of Physician and Surgeons of Ontario (CPSO) for the use of the CPSO's *Policy Statement on Complementary/Alternative Medicine* as a resource for the development of this guideline.

Issue Note

Issue: Draft Complementary/Alternative Therapy Guideline
Prepared for: Council
Date: April 15, 2019

Overview:

From time to time, the College receives enquiries from members regarding their ability to offer complementary/alternative therapies in addition to conventional kinesiology treatment. Some members may be dually registered with another regulatory body (e.g. acupuncturists) or may have patients who request unregulated complementary or alternative therapies or who receive such therapies from other providers (e.g. herbal supplements).

In light of the increasing popularity of such therapies, and in order to address some of the common questions that arise, the Quality Assurance Committee is proposing a guideline on complementary/alternative therapies in kinesiology practice for Council's consideration.

The draft guideline is largely based on a similar guideline developed by the College of Physicians and Surgeons of Ontario, which was used with that College's permission. 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.

The guideline requires members offering complementary/alternative therapies to conduct a conventional assessment first; to only recommend therapies that are logically related to and have a reasonable expectation of improving the patient's condition; to provide the patient with accurate and objective information about all therapeutic options; and to disclose the extent to which a therapy is supported by conventional kinesiology practice and scientific evidence.

If approved in principle by Council (and subject to any revisions requested by Council), the draft guideline would be circulated to the membership and other stakeholders for a period of sixty (60) days for comment. The draft guideline and any comments received would be brought back to Council thereafter.

Recommendation:

That Council approve the draft Guideline on Complementary/Alternative Therapies and direct that the draft Guideline be circulated to the membership for comment for a period of sixty (60) days.

Resolution– Practice Guideline on Complementary/Alternative Therapies

Whereas, the College’s mandate is to regulate the practice of the profession in the public interest by setting standards and guidelines for members, and

Whereas, the College has seen an increase in the number of questions and interest from members and the public regarding the use of complementary/alternative therapies, and

Whereas, it is desirable to provide guidance for members who may be offering complementary/alternative therapies as part of their practice or who may have patients seeking or receiving such therapies in addition to conventional kinesiology treatment, and

Whereas, the draft Practice Guideline on Complementary/Alternative Therapies promotes the interests of the public and patient protection by setting clear and consistent expectations for members regarding the use and recommendation of complementary/alternative therapies and by ensuring patients are provided with accurate and objective information to inform patient choice; now

Therefore, be it resolved that the Council of the College of Kinesiologists of Ontario approves in principle the draft Practice Guideline on Complementary and Alternative Therapies, as appended to this resolution, and directs staff to circulate the draft Practice Guideline to the membership for comment for a period of at least sixty (60) days.

Moved by: _____

Seconded by: _____

Date:



Summary Report on CKO Strategic Planning Workshop CKO Strategic Goals and Initiatives Discussions and Decisions

Goal 1

The College of Kinesiologists of Ontario delivers public interest focused, competency-based governance to enhance oversight processes that improve patient safety and protection from risk of harm.

Strategic Initiatives

- Increased Council and Committee competency development in technical, leadership, decision-making and interpersonal skills, with a focus on equity, diversity and inclusion.
- Multiple training programs, processes and platforms to encourage and facilitate effective, efficient discharge of governance responsibilities in the public interest and for public protection from risk of harm.
- Demonstrate openness and transparency concerning the competencies required of Council members and particularly those which demonstrate abilities to understand, represent and make decisions that further the public interest. Competencies to govern effectively and consistently in the interest of the public will be apparent criteria in the elections and appointments processes, training and development opportunities provided to Council and Committee members, and in the initiatives taken. Such transparency about governance qualifications and training will enhance public confidence in the public interest focus of Council and Committees.

Discussion and Decisions

There is broad Council agreement to move further towards competency-based governance and governance improvement. Further analysis will be undertaken to develop and implement specific plans and implementation strategies in this regard.

Council intends to pursue directions which allow for flexibility to respond to government initiatives, recommended practices identified by other regulators, and responses of the public to our strategies. The Council intends that the College implement strategies that place us among the leaders in governance best practices. Such practices will include the further development of governance competencies through training opportunities which registrants may access, as well as implementation of transparency measures in the election process.

Council has already begun work on defining the competencies for governance and effective decision-making and leadership. This work will continue under the guidance of Council and with all Committees. Council will ensure that various mechanisms are used to enhance governance competencies among those professionals interested in participating in the

governance process, and to further develop competencies of public appointees in the area of governance of health care professionals.

Council has agreed that a competency map or profile for those participating in governance will be created. This will be publicly available and shared explicitly with registrants. It will become a template for use in the application process for elections and appointments and for the ongoing development of those elected and appointed to governance positions on Council and committees.

Council identified four skill groupings to focus on in developing a governance competency profile: technical, leadership, decision-making and interpersonal skills.

Council agreed that communications to registrants and to the public about governance will continue to focus on public protection and will explain in concrete, understandable terms the ways in which the governance process and Council and Committee decisions protect the public interest and the quality of care of kinesiology patients.

Goal 2

CKO promotes safe, competent and ethical patient-centred kinesiology practice and effective, respectful interprofessional collaboration to reduce risk of harm and enhance patient care.

Strategic Initiatives

- Dynamic information-sharing between the College and kinesiologists - on all appropriate platforms and media, including electronic and in-person – on best practices for patient harm avoidance and safe, ethical, up-to-date practice through quality assurance and continuing professional development.
- Effective communication (to kinesiologists, the public, government, employers, and other health professionals) on the advantages of working with a registered professional who is required to meet standards of practice and to provide safe, ethical, compassionate care.
- Proactive and responsive support to kinesiologists to assist them to engage safely and effectively in an evolving, patient-centred healthcare environment and within diverse communities and practice settings.
- Patient-centred website tools (e.g., *What to expect from a kinesiologist?* and *Questions to ask a kinesiologist*) to help empower patients to make informed healthcare choices about the management of their care.

Discussion and Decisions

Council agreed to develop a definition of patient-centred care for the kinesiology profession and to identify the standards, tools, information and other guidance for kinesiologists to

assist them in developing and enhancing patient-centred practice. In addition to encouraging a holistic view of patients' needs, a patient-centred kinesiology practice initiative will include increasing awareness of the role of the kinesiologist in relation to other members of the healthcare professional team and will encourage interprofessional collaboration to promote appropriate, streamlined, seamless care by health care professionals practising within their scope of practice, training and competencies.

Council agreed to place greater emphasis on engaging kinesiologists to provide the College with current information about emerging frontline patient and practice issues in order to identify areas where the College may provide practical support to address these issues, with the goal of avoiding risk to patient safety and enhancing the patient's experience and the quality of patient care.

Council agreed to develop and to communicate with kinesiologists about additional opportunities and training initiatives that will enhance their ability to direct the profession in the public interest through their contributions to the College governance process, to policy and standards development and to effective participation in committees with statutory responsibilities.

Goal 3

CKO uses an effective performance measurement and reporting system in the interest of improving governance and enhancing accountability for patient safety and care.

Strategic Initiatives

- Communicate College policies and procedures and inform the public about the measures the College is taking in a way that is transparent, understandable and relevant to both the public and kinesiologists. Public safety and quality of patient care will be the demonstrable, consistent measures of and perspectives for determining the effectiveness of College governance processes, decisions, and communications to kinesiologists and to the public.
- Build public trust in the College by increasing transparency through enhanced reporting on performance achievements in governance, registration, compliance and quality assurance, demonstrating how the public interest is served through these College functions.

Discussion and Decisions

Council agreed to develop performance measurement criteria based on evaluating regulatory decisions, initiatives and activities according to how patient risk may be reduced and quality of care enhanced. Having measurable criteria and determinants of effectiveness will help the College assess ways to help members make informed choices about improving patient care and will help to inform and empower the public to assess health care choices and decisions about their own treatment and care. In addition, Council will adopt the performance measurement indices produced by the Working Group established by the

Ministry and integrate these measures with adopted by Council to ensure a fulsome publicly available report.

Council agreed to develop communications training and resources for kinesiologists to enhance their ability to help patients understand the proposed care plan, to help the patient ask informed questions and to give informed consent to treatment, as well as informing and empowering the patient to continue to monitor healthcare outcomes and continuing care for themselves. In these initiatives, Council will encourage a patient-centred perspective which is education focused, collaborative, and developmental.

Technology tools in health care, including a central database with the patient's electronic record available to all practitioners, will allow communication to take place broadly between the kinesiologist, the patient and other healthcare practitioners. Council agreed to develop measurement criteria for managing and using electronic health records/electronic communications in ways that protect patient privacy and confidentiality and allow for appropriate and secure applications of other developing healthcare-related technologies.

DRAFT: Policy – Funding for Therapy and Counselling

Overview

In accordance with section 85.7 of the Health Professions Procedural Code (“Code”), the College of Kinesiologists of Ontario (“College”) has established a program to provide funding for therapy and counselling for individuals alleging sexual abuse or misconduct by a kinesiologist and for such other purposes as may be prescribed by regulation¹. The funding program is administered by the College’s Patient Relations Committee (“Committee”).

This policy, in conjunction with the Code and regulations, sets out the principles and procedure by which the Committee shall

- receive applications for funding for therapy/counselling from applicants;
- review applications and decide on eligibility for funding; and
- administer the payment of funds by the College to the recipient therapist/counsellor.

This policy is to be construed in accordance with the provisions of the Code governing administration of funding for therapy and counselling and with any applicable regulations.

Principles

The College has adopted a set of principles for dealing with concerns about sexual abuse by a kinesiologist. These principles provide, in part, that the College will

- treat individuals reporting concerns about sexual abuse by a kinesiologist with sensitivity and respect;
- provide such individuals with guidance and support; and
- expedite its processes for dealing with such concerns.

These principles apply equally to and shall guide the process for the review of applications for funding for therapy/counselling by the College and Committee.

Eligibility for Funding

Applicant

An applicant is eligible for funding if it is alleged in a complaint or report that the applicant was sexually abused by a kinesiologist while the applicant was a patient of the kinesiologist². Sexual

¹ As of January 2019, no additional purposes have been prescribed.

² Code, s. 85.7(4)

abuse is a broadly defined term in the Code, and includes a variety of sexual misconduct by a kinesiologist³.

An allegation of sexual abuse does not have to have been proven in a disciplinary proceeding in order for an applicant to be eligible for funding; nor is an applicant required to testify or appear in a proceeding in order to receive funding⁴. An applicant is not required to undergo a psychological assessment prior to receiving funding⁵. Neither is eligibility for funding decided based on the specific nature of the sexual abuse that is alleged by the applicant.

Provided that the applicant has alleged sexual misconduct by a kinesiologist that would constitute sexual abuse, which took place while the applicant was a patient, the applicant is presumptively eligible for funding. It is not the role of the Committee in reviewing an application for funding to conduct an investigation of or make decisions with respect to the underlying allegations of sexual abuse.

Therapist/Counsellor

An applicant is free to select their own therapist/counsellor; however, in order to be eligible for funding, the therapist/counsellor

- must not be a person with whom the applicant has any family relationship;
- must not have been found guilty of professional misconduct of a sexual nature or been found civilly or criminally liable for an act of similar nature⁶.

The Committee may also consider whether the applicant and therapist/counsellor may be in a dual relationship that could constitute a potential conflict of interest, such as a close personal, financial, or other relationship.

Non-Regulated Practitioners

The College strongly recommends that applicants select a regulated health professional for provision of their therapy/counselling; however, this is not a requirement for funding.

Where an applicant has selected a non-regulated practitioner, the applicant must submit a signed acknowledgement, in the form provided by the College, that the therapist/counsellor is not a regulated professional and therefore not subject to oversight and discipline by a regulatory authority.

Process for Application

Required Information

An applicant for funding must submit to the College a completed and signed application, in the form provided by the College.

³ Code, s. 1(3)

⁴ Code, s. 85.7(13)

⁵ Code, s. 85.7(6)

⁶ Code, s. 85.7(7)

The therapist/counsellor shall submit to the College a completed and signed information form, as provided by the College. This may be provided at the same time as or following receipt of the application from the applicant. The applicant does not have to have selected a therapist/counsellor at the time of application; however, eligibility for funding can only be decided on with respect to a specific therapist/counsellor.

Access to Therapy/Counselling Information

The College and Committee require access to some basic information regarding the provision of therapy/counselling services in order to properly decide on eligibility for and administer payment of funding. This information includes:

- The fees/amounts charged by the therapist/counsellor for services.
- The dates and duration of services.
- Confirmation from the applicant and therapist/counsellor that the funds are being applied solely towards therapy/counselling for the applicant in relation to sexual misconduct by a kinesiologist.

The College and Committee are unable to process requests for funding without this information. The College and Committee do not require any information regarding the specific content of therapy/counselling sessions for the purpose of deciding on eligibility or administering payment.

Timelines

In keeping with the College's principles for dealing with concerns related to sexual abuse, the Committee shall endeavour to complete its review of applications for funding on an expedited basis following receipt of all required information from the applicant and therapist/counsellor.

The Committee endeavours to complete its review and to communicate its decision to applicants within fourteen (14) days of receipt of all required information. Although the Committee may not be able to meet this timeframe in all cases, it shall ensure that all reviews and decisions are made within a reasonable period of time following receipt of the application for funding.

If the Committee is unable to complete its review and render a decision within 14 days, it shall notify the applicant of the reasons for the delay and provide an estimated timeframe for completion.

Decisions Regarding Funding

Upon completing its review, the Committee shall communicate its decision regarding eligibility to the applicant in writing.

Where the Committee decides that the applicant is eligible for funding, the Committee shall communicate any limitations associated with that funding, including the maximum amount and time limits set out by legislation.

Where the Committee decides that an applicant is not eligible for funding, the Committee shall provide written reasons for its decision.

Limitations

Maximum Funding

The maximum amount of funding that may be provided to an applicant in respect of a case of sexual abuse is defined by regulation as:

- the amount that the Ontario Health Insurance Plan would pay for 200 half-hour sessions of individual out-patient psychotherapy with a psychiatrist on the day the applicant becomes eligible for funding⁷.

As of 2019, the maximum amount of funding available to an applicant is approximately \$16,000.

Time Limit for Funding

The maximum time period in which funding may be provided to an applicant in respect of a case of sexual abuse is defined by regulation as five years from:

- the day on which the applicant first received funding, or
- where funding is not provided, the day on which the person becomes eligible for funding⁸.

Retroactive Funding

Applications for retroactive funding are permitted, provided that

- the therapy/counselling was received after the incidents of sexual misconduct by the kinesiologist specific to the application are alleged to have occurred; and
- the application for funding would otherwise satisfy the criteria for eligibility.

As the College is prohibited from making payment directly to an applicant, retroactive funding can only be provided where the original therapist agrees to reimburse the applicant directly and then receive payment from the College.

Other Funding Sources

College funding cannot be used to pay for services that were already covered by another source of funding. Accordingly, where therapy/counselling services are being paid for by a government or private insurance provider, the funding provided by the College shall be adjusted to reflect these amounts⁹.

Applicants and therapists/counsellors are expected to first submit claims for payment in respect of therapy/counselling services to government programs or private insurance providers prior to submitting any uncovered amounts to the College for reimbursement.

⁷ O. Reg. 59/94, s. 1(a)

⁸ O. Reg. 59/94, s. 1(b)

⁹ Code s.85.7(11)

Reasonable and Customary Fees

The Committee respects the freedom of an applicant to choose their preferred therapist/counsellor; however, therapists/counsellors should not charge increased or excessive fees to an applicant as a result of the presence of funding from the College.

Accordingly, where the Committee concludes that the fees charged by a therapist/counsellor are excessive or fall outside of a reasonable range of fees, the Committee may reduce the amount paid to the therapist/counsellor for a given invoice to reflect the reasonable and customary fees charged by a practitioner with similar qualifications in the same community for similar services.

Cessation of Eligibility

A recipient of funding for therapy/counselling remains eligible for funding until

- the maximum funding amount is reached,
- the maximum time limit for funding has expired, or
- the circumstances established by regulation are met¹⁰.

Notwithstanding the above, the Committee may review a recipient's ongoing eligibility for funding and may direct the cessation of such eligibility

- where the allegations of sexual abuse upon which the application for funding was based are found by a competent authority to be frivolous, vexatious, made in bad faith, or otherwise an abuse of process;
- where the application for funding or resulting payments are determined to have been based on information that is false, misleading, or fraudulent, or in similar circumstances; or
- in circumstances where it is necessary to do so in order to maintain the integrity of the funding program and its underlying purpose and principles.

The Committee shall provide the applicant with a reasonable opportunity to make written submissions prior to directing the cessation of eligibility and shall provide written reasons for its decision.

Where the Committee directs the cessation of a recipient's eligibility, no further payments shall be made by the College in respect of that application. The College shall not seek reimbursement of amounts paid through the funding program, save where such payments were made as a result of deliberately misleading, fraudulent, or similarly unlawful activity by the applicant or therapist/counsellor.

Legislative References

1. *Health Professions Procedural Code*, being Schedule II of the *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18, s. 85.7
2. Ontario Regulation 59/94: "Funding for Therapy or Counselling for Patients Sexually Abused by Members", made under the *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18

¹⁰ Code, s. 85.7(5.2); As of January 2019, there are no additional circumstances established.

Issue or Decision Note

Issue or Decision: Policy and Supporting Materials - Funding for Therapy/Counselling
Prepared for: Council
Date: April 15, 2019

Background:

Subsection 85.7(1) of the *Health Professions Procedural Code* (“Code”) requires the College to establish a program to provide funding for therapy and counselling for persons alleging sexual abuse by a member while they were a patient. This program is administered by the College’s Patient Relations Committee (“Committee”). To date, there have been no applications for funding through this program.

The Code sets out detailed rules regarding eligibility for funding, as well as limits on the time period and amount of funding available to an applicant, among other matters. While many of the basic rules regarding funding are set out in the Code, the College does not have a formal policy framework relating to the receipt and review of applications for funding by the Committee.

The Committee has developed and is recommending to Council for approval the following policy and supporting materials for this purpose:

- Policy – Funding for Therapy and Counselling
- Application Form – Funding for Therapy and Counselling
- Counsellor/Therapist Information Form - Funding for Therapy and Counselling
- Frequently Asked Questions (FAQs) about Funding for Therapy and Counselling

These documents provide information to potential applicants for funding and formalize Committee processes. All documents would be made available through the College’s website and on request.

Proposed Policy and Supporting Materials

The proposed policy and supporting materials were reviewed by the Committee at its meeting on March 11, 2019. Revised versions of the documents were shared with the full Committee following the meeting, and Committee members were provided with an opportunity to review and provide additional feedback via e-mail. The Committee resolved to bring the documents to Council for review and consideration on March 26, 2019.

Policy – Funding for Therapy and Counselling

This policy establishes the procedural framework for how the Committee will receive and review applications for funding for therapy/counselling. It reiterates in more accessible language the basic rules regarding eligibility, funding timelines, funding limits, and other matters taken directly from the Code. While care has been taken to ensure that the policy accurately reflects the requirements of the Code, in any instance where the two diverge, the Code would prevail.

More importantly, the policy provides additional details regarding the internal processes of the Committee. These are details that are not set out in the Code, but which are left to the Committee to develop as part of its task of administering the program for funding.

For example, the policy sets out the process for receiving an application for funding by requiring that an applicant submit to the Committee a completed application in the form provided by the College and that the counsellor/therapist submit a completed information form as provided by the College.

The policy also establishes internal timelines for review of an application. The policy states that applications for funding shall be reviewed within fourteen (14) days of receipt of all required information, and requires the Committee to notify the applicant if it is not able to meet this timeframe.

There are three areas in the policy that bear specific mention, as they may impact an applicant's eligibility:

1. Additional Conflicts of Interest between Applicant/Counsellor

Under the Code, in order to be eligible for funding, the therapist/counsellor must not be in a family relationship with the applicant.

The policy sets out that the Committee may also consider whether the applicant and therapist/counsellor may be in some other form of relationship that may constitute a conflict of interest. For example, the applicant and therapist/counsellor may be in a romantic or dating relationship, but not spouses. The application form and therapist/counsellor information form ask both parties to confirm that no such conflict of interest exists.

2. Reasonable and Customary Fees

The Code sets out the maximum amount of funding for which an applicant is eligible, using a formula based on the rate paid to a psychiatrist for outpatient treatment under OHIP; however, it does not set out a maximum rate for any given treatment (e.g. a maximum hourly rate for therapy/counselling.)

The policy sets out that where the Committee is of the view that a therapist/counsellor is charging fees that are excessive or that fall outside of a reasonable range of fees for similarly

situated practitioners, the Committee may adjust the amount paid to the therapist to reflect the reasonable and customary fees charged in these circumstances.

The rationale for this limitation is to ensure that a therapist/counsellor does not take advantage of a patient by inflating their fees due to the availability of funding from the College. This is in line with similar rules set by private insurance companies.

3. Cessation of Funding

The Code provides that funding under the program ceases when the maximum funding limit or time limit is reached, or when circumstances established by regulation are met. Currently, no regulations have been made to establish such circumstances.

The policy sets out circumstances in which the Committee may review an applicant's ongoing eligibility for funding and potentially direct cessation of future funding. These circumstances are

- a. where the allegations of sexual abuse are found by a competent authority to be frivolous, vexatious, made in bad faith, or otherwise an abuse of process;
- b. where the application is found to have been based on false, misleading, or fraudulent information or circumstances; or
- c. where it is necessary to cease funding in order to maintain the integrity of the funding program and its underlying purpose and principles.

The Committee was of the view that it was important to include the possibility to review funding in these circumstances in order to prevent possible misuse or abuse of the funding program. The policy also states that the College will not seek repayment of any funds paid through the program, unless it is shown that the payments were made as a result of fraudulent or other illegal activity.

Application Form – Funding for Therapy and Counselling

This is the application form that would be used by applicants seeking funding for therapy/counselling in relation to sexual abuse by a kinesiologist while they were a patient. It provides a summary of the eligibility rules and requests basic information regarding the identity and contact information of the applicant and their therapist/counsellor.

The applicant form also includes a declaration to ensure that the applicant confirms their understanding of the terms and limits associated with funding. In particular, the declaration includes an explicit consent for the College to contact the applicant's therapist/counsellor for the purposes of confirming eligibility and arranging payments.

Counsellor/Therapist Information Form - Funding for Therapy and Counselling

This information form would be used by a therapist/counsellor to provide information to the College related to an application for funding. It provides a summary of the eligibility rules and requests basic information about the therapist/counsellor, such as their profession and contact information.

The information form also includes a declaration to ensure that the therapist/counsellor confirms their understanding of the terms and limits associated with funding.

Frequently Asked Questions (FAQs) about Funding for Therapy and Counselling

This document provides simple answers to questions regarding eligibility, limits, and other matters about funding for therapy/counselling that may be of interest to a potential applicant. This document would be made available on the College's website.

Recommendation:

That Council approve the Policy and supporting materials regarding funding for therapy/counselling for persons alleging sexual abuse by a kinesiologist.

Funding for Therapy and/or Counselling Application Form Instructions



Overview

This application form is used to apply for funding for therapy and/or counselling for individuals who were subject to sexual abuse by a kinesiologist while they were a patient. “Sexual abuse” is a legally defined term and includes a wide variety of sexual misconduct, including sexual activity, touching, and commentary. The College maintains a fund to pay for therapy/counselling for this purpose. The fund is governed by the rules set out in legislation and is administered by the College’s Patient Relations Committee. The Committee reviews applications and makes decisions regarding eligibility for funding.

Eligibility

An individual is eligible to apply for funding for therapy/counselling if

- the individual has filed a complaint with the College alleging sexual abuse by a kinesiologist while they were a patient; or
- the individual is part of a Registrar’s investigation into whether they were subject to sexual abuse by a kinesiologist while they were a patient.

Limits on the use and duration of funding also apply.

Choice of Therapist/Counsellor

An individual is free to select their own therapist or counsellor; however, to be eligible for funding, the therapist/counsellor

- must not be a member of the individual’s family; and
- must not have been found guilty of professional misconduct of a sexual nature, or been found civilly or criminally liable for an act of a similar nature.

Additionally, if the therapist/counsellor is not a regulated health professional (e.g. physician/psychiatrist, psychologist, nurse, psychotherapist, etc.), the individual must be aware and acknowledge in writing that the therapist/counsellor is not subject to oversight and discipline by a professional regulatory body.

Additional Information / Questions?

Additional information about the College’s funding program, including answers to Frequently Asked Questions, can be found on the College’s website at www.coko.ca.

Other questions regarding the funding program or the application process can be directed to the Registrar [(416) 961-7000 ext. 100] or the Director, Professional Conduct [ext. 104].

Submitting an Application

Completed application forms can be submitted to the College by e-mail (info@coko.ca) or post:

Patient Relations Committee
College of Kinesiologists of Ontario
160 Bloor Street East, Suite 1402
Toronto, ON M4W 1B9

Funding for Therapy and/or Counselling Application Form

COLLEGE OF
KINESIOLOGISTS
OF ONTARIO



Applicant Contact Information						
First Name						
Last Name						
Street Address		Suite/Apt.				
City/Town						
Province		Postal Code				
Phone Number		Home	Work	Mobile		
E-mail Address						
Therapist / Counsellor Information (if known)						
First Name						
Last Name						
Street Address		Suite/Apt.				
City/Town						
Province		Postal Code				
Phone Number						
E-mail Address						
Is the Therapist/Counsellor a regulated health professional (e.g. psychiatrist, psychologist)?	YES		NO		I DON'T KNOW	
If YES, what profession?						
Are the services of this Therapist/Counsellor eligible for coverage, in whole or in part, by a government or private insurance program?	YES		NO		I DON'T KNOW	
Start Date for Therapy/Counselling Services						
This application is for retroactive funding for services received in the past	YES		NO			

Funding for Therapy and/or Counselling Application Form



Acknowledgement and Consent

I hereby acknowledge and confirm the following:

1. I do not have a family or personal relationship with the therapist/counsellor listed on this application; I do not have any other relationship with the therapist/counsellor that would constitute a potential conflict of interest.
2. I understand that if I choose to see a therapist/counsellor who is not a member of a regulated health profession in Ontario, the therapist/counsellor is not subject to professional oversight or discipline for potential misconduct by a professional regulatory body in Ontario.
 - a. I further understand that this means that if I have concerns regarding the therapist/counsellor, I would not have access to a complaint/disciplinary process through a professional regulatory body, and I would only be able to seek redress for my concerns through private legal action at my own expense.
3. I understand that my application will be reviewed by and my eligibility for funding will be determined by the Patient Relations Committee of the College of Kinesiologists of Ontario.
4. I understand that any funding supplied by the College as a result of this application will be paid directly to the therapist/counsellor. I understand that these funds can only be used towards paying for therapy or counselling in relation to sexual misconduct by a kinesiologist and not put towards any other purpose.
5. I understand that the amount of funding provided by the College is subject to a maximum limit set out in legislation and that the amount of funding will be adjusted to reflect other sources of funding from government or private insurance coverage. I acknowledge that the amount of funding provided may be adjusted to reflect reasonable and customary fees for therapy or counselling services.
6. I understand that I am responsible for any charges for therapy/counselling in excess of the amounts covered by the College funding, including any fees for late or cancelled appointments with my therapist/counsellor.
7. I understand that the time period in which funding is available is subject to a five year limit as set out in legislation.
8. I understand that if funding is granted, my therapist/counsellor will be required to submit invoices directly to the College for reimbursement.

Further, I hereby grant consent to the College of Kinesiologists of Ontario to contact the therapist/counsellor listed on this application solely for the purpose of confirming my eligibility and processing my application for funding, as necessary. I acknowledge that this may include verifying the rates charged by my therapist/counsellor and the dates and duration of the services provided.

Applicant Signature

Date

Funding for Therapy and Counselling for Victims of Sexual Abuse – Frequently Asked Questions

Overview

The College maintains a fund to pay for therapy or counselling for individuals who have been subject to sexual misconduct by a kinesiologist while they were a patient. The fund is governed by the rules set out in legislation (the *Health Professions Procedural Code*) and administered by the College's Patient Relations Committee. The Committee reviews applications for funding and makes decisions regarding eligibility and other matters.

Am I eligible for funding for therapy/counselling?

An individual is eligible for funding for therapy/counselling if

- The individual has filed a complaint with the College alleging sexual abuse by a kinesiologist that occurred while they were a patient; or
- The individual is part of a Registrar's investigation into whether they were sexually abused by a kinesiologist while they were a patient.

What is “sexual abuse” by a kinesiologist?

“Sexual abuse” is a legally defined term and includes a wide variety of sexual misconduct, including sexual activity, touching, and commentary by a kinesiologist towards a patient.

Do I have to undergo a psychological assessment to receive funding?

No. An individual applying for funding for therapy/counselling is not required to undergo a psychological or other assessment prior to applying for or receiving funding.

Do I have to share my therapy/counselling records with the College to receive funding?

No. The College does not require access to therapy/counselling records in order to review an application for and make a decision regarding funding. The College does require basic information about the therapist/counsellor, such as their name and contact information, as well as information about the fees charged by the therapist/counsellor and the dates and times when services were provided, in order to provide reimbursement.

Who can be my therapist/counsellor?

An individual is free to select their own therapist or counsellor, subject to the following limitations:

- The therapist/counsellor must not be a member of the individual's family.
- The therapist/counsellor must not have been found guilty of professional misconduct of a sexual nature, or been found civilly or criminally liable for an act of a similar nature.

Does my therapist/counsellor have to be a regulated health professional?

Although the College strongly recommends that individuals seek therapy/counselling from regulated health professionals, such as physicians/psychiatrists, psychologists, or psychotherapists, this is not a requirement to receive funding. If the therapist/counsellor is not a member of a regulated health profession, the individual seeking funding will be required to sign an acknowledgement that the therapist/counsellor is not subject to oversight and discipline by a professional regulatory body.

How much funding for therapy/counselling am I eligible for?

The amount of funding provided is tied to the actual cost of therapy/counselling received, subject to a maximum amount set out in legislation. As of January 1, 2019, the maximum eligible amount is approximately \$16,000. The specific amount of funding provided will depend on the specific circumstances of the case and may be adjusted to reflect the reasonable and customary fees charged for therapy/counselling.

What if I have other sources of coverage for therapy/counselling?

If there is another source of funds to cover the cost of therapy/counselling, such as the Ontario Health Insurance Plan or a private insurer, the amounts provided by the College will be reduced to reflect these other sources of funding.

How is funding provided?

All funding is provided by the College directly to the therapist or counsellor based on invoiced amounts; the College is prohibited from making payment directly to the individual receiving therapy/counselling.

Can I use the funding for things other than therapy/counselling?

The funding provided by the College can only be used towards paying for therapy or counselling. The funding cannot be used directly or indirectly for any other purpose.

The College provides other supports for individuals participating in a disciplinary hearing relating to allegations of sexual abuse, such as covering costs for travel, accommodation, and childcare expenses during the hearing.

Is there a time limit on the funding?

Yes. The legislation states that funding can be provided for a maximum of five years from the date on which the individual first received funding for therapy or counselling after the alleged sexual abuse took place, or five years from the date on which the individual became eligible for funding.

While the College understands that reporting allegations of sexual abuse can be difficult, the College encourages potential applicants to contact the College as soon as they are able to do so.

Can I apply for funding for therapy/counselling that I have received in the past?

Yes, you can apply for funding for therapy/counselling that you have received in the past in relation to sexual misconduct by a kinesiologist while you were a patient. The therapy/counselling must have been provided after the incidents of sexual misconduct by a kinesiologist took place and the remaining eligibility criteria must also be met.

As the College is prohibited from making payment directly to an applicant, retroactive funding can only be provided where the original therapist/counsellor agrees to provide you with a refund and seek reimbursement from the College.

How do I apply for funding?

Individuals who would like to apply for funding for therapy/counselling following sexual abuse by a kinesiologist should contact the College for further information or fill out the application form found on our website (www.coko.ca).

The College is committed to treating individuals reporting allegations of sexual abuse with sensitivity, empathy and respect, and to providing guidance and support throughout the investigation, review and hearing process.

Where can I find additional information?

Additional information can be found on the College's website (www.coko.ca) under the tab "For the Public > Understanding Sexual Abuse". Questions can be directed to the Registrar or to the Director, Professional Compliance and Remediation. Contact information is found on the College's website under the tab "Who We Are > Staff Directory" (Registrar: 416.961.7000 ext. 100; Director, Professional Compliance: 416.961.7000 ext. 104)

Funding for Therapy and/or Counselling Therapist/Counsellor Information Form

COLLEGE OF
KINESIOLOGISTS
OF ONTARIO



Overview

This form is used to provide information about a therapist/counsellor in relation to an application for funding for therapy and/or counselling by an individual who was subject to sexual abuse by a kinesiologist while they were a patient. “Sexual abuse” is a legally defined term and includes a wide variety of sexual misconduct, including sexual activity, touching, and commentary.

The College maintains a fund to pay for therapy or counselling for this purpose. The fund is governed by the rules set out in legislation and is administered by the College’s Patient Relations Committee. The Committee reviews applications and makes decisions regarding eligibility for funding.

This form should be completed by the therapist/counsellor in conjunction with the application submitted by the individual seeking funding.

Choice of Therapist/Counsellor

An individual is free to select their own therapist/counsellor; however, to be eligible for funding, the therapist/counsellor

- must not be a member of the individual’s family; and
- must not have been found guilty of professional misconduct of a sexual nature, or been found civilly or criminally liable for an act of a similar nature.

Limits on Funding

The funding provided by the College is subject to limits in terms of amount and duration established by legislation. The maximum available funding is set at the amount that the Ontario Health Insurance Plan would pay for 200 half-hour sessions of individual outpatient psychotherapy with a psychiatrist. The maximum duration is set at five years. The amount of funding is also adjusted to reflect amounts paid by government or private insurance coverage and may be adjusted to reflect reasonable and customary fees for therapy/counselling services.

Additional Information / Questions?

Additional information about the College’s funding program, including answers to Frequently Asked Questions, can be found on the College’s website at www.coko.ca.

Other questions regarding the funding program or the application process can be directed to the Registrar [(416) 961-7000 ext. 100] or the Director, Professional Compliance and Remediation [ext. 104].

Submitting the Form

Completed information forms can be submitted to the College by e-mail (info@coko.ca) or post:

Patient Relations Committee
College of Kinesiologists of Ontario
160 Bloor Street East, Suite 1402
Toronto, ON M4W 1B9

Funding for Therapy and/or Counselling Therapist/Counsellor Information Form



Therapist / Counsellor Information					
First Name					
Last Name					
Street Address		Suite/Apt.			
City/Town					
Province		Postal Code			
Phone Number					
E-mail Address					
Are you a regulated health professional?	YES		NO		
If YES, what profession?					
Are your services for the patient covered, in whole or in part, by a government or private insurance program?	YES		NO	I DON'T KNOW	
Start Date for Therapy/Counselling Services					
If Completed, End Date for Services					
Patient Information					
First Name					
Last Name					

Funding for Therapy and/or Counselling Therapist/Counsellor Information Form



Declaration

I hereby acknowledge and confirm the following:

1. I do not have a family or personal relationship with the patient listed on this form; I do not have any other relationship with the patient that would constitute a potential conflict of interest.
2. I have never been found guilty of professional misconduct of sexual nature; I have never been found criminally or civilly liable for an act of a sexual nature.
3. I understand that the patient's application for funding will be reviewed by and the eligibility for funding will be determined by the Patient Relations Committee of the College of Kinesiologists of Ontario.
4. I understand that any funds provided by the College can only be used towards paying for therapy or counselling for the patient in relation to an allegation of sexual abuse by a kinesiologist and not put towards any other purpose.
5. I understand that the amount of funding provided by the College is subject to a maximum limit set out in legislation and that the amount of funding will be adjusted to reflect other sources of funding from government or private insurance coverage. I acknowledge that the amount of funding provided may be adjusted to reflect reasonable and customary fees for therapy or counselling services.
6. I understand that the time period in which funding is available is subject to a five year limit as set out in legislation; I understand that the funding may be used at the patient's discretion during this time period.
7. I understand that any funding supplied by the College as a result of the patient's application will be paid directly to me. In order to receive payment for my services provided to the patient, I agree to submit invoices to the College for reimbursement.
8. I understand that I am responsible for seeking payment from the patient for any amounts for my services not covered by funding supplied by the College. I understand that the funds provided by the College may not be used to cover the costs of late or missed appointments.
9. I understand that the College may verify the dates and times of my appointments with the patient.
10. I agree to keep confidential all information obtained through the application for funding process, including whether funding has been granted, and not to use any such information for an ulterior purpose.

Therapist/Counsellor Signature

Date

Resolution– Policy and Supporting Materials– Funding for Therapy and Counselling

Whereas the College is required by subsection 85.7(1) of the *Health Professions Procedural Code* (“Code”) to establish a program to provide funding for therapy and counselling for persons alleging sexual abuse by a member while they were a patient, and

Whereas the program for funding is administered by the Patient Relations Committee (“Committee”) in accordance with the requirements of the Code, and

Whereas it is desirable to have a clearly documented policy and process for the receipt and review of applications for funding by the Committee and supporting documentation to assist applicants in submitting applications for funding, now

Therefore, 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.

Moved by: _____

Seconded by: _____

Date:



	College of Kinesiologists of Ontario Special Meeting to Consider College of Nurses Submission to Minister Minutes
Date/time of meeting	Friday, February 22, 2019 9:00 a.m. – 4:00 p.m.
Chair	Ken Alger
Facilitator	Shenda Tanchak, Magnetic North Regulatory Consulting
Note Taker	Danae Theakston
Present	Ken Alger, Nelson Amaral, Lori Anne Beckford, Jennifer Bushell, Derek DeBono, Chad McCleave, Michelle Meghie, Stefanie Moser, Jennifer Pereira, Graydon Raymer, Ryan Wight, Michelle Young Staff: Tracey Scott, Eric Bruce, Danae Theakston, Brenda Kritzer, Nancy Leris
Regrets	Nicole DiFilippo, Elwin Lau, Kalen Johnson, Marilyn Bartlett
Staff/guests in Attendance	Staff: Brenda Kritzer, Danae Theakston, Eric Bruce, Tracey Scott, Nancy Leris Guests: Doug Ross (MOHLTC), Samia Shaheen (MOHLTC), Christine Forsyth, Stuart Moulton, Andres Palomino (ARKO)
Purpose of Meeting	Welcome and Setting Expectations
	<ul style="list-style-type: none"> • Purpose of the special meeting of Council <ul style="list-style-type: none"> ○ To determine what, if any, elements of the College of Nurses of Ontario's (CNO) January 8, 2019 submission to the Minister of Health the CKO wishes to support ○ To contribute to the upcoming strategic planning by identifying any related activity that might be included in the strategic plan
Background of College of Nurses Submission Vision 2020	Review the background and request for support from CNO
	<ul style="list-style-type: none"> • CNO established a governance task force in 2014 to identify and move forward on governance best practices for regulatory agencies • After several years' work, they came up with a series of recommendations • Some of the recommendations may be implemented without legislative or regulatory change but others will require legislative action • The CNO made a submission to the Minister of Health in January seeking to work with government to move forward on their proposed changes • In support of their recommendations, the CNO has asked all of the health colleges in Ontario to write to the Minister and endorse specific elements of

	the CNO request for legislative change.
<p>Detailed Review of Key Recommendations to Minister and CKO Positions</p>	<p style="text-align: center;">Review of Key COLLEGE OF NURSES OF ONTARIO Recommendations</p> <p>A discussion was held by members of Council regarding the below 6 recommendations brought forward by the CNO. Council members then moved into groups to discuss the six recommendations and their thoughts and opinions.</p> <p>The CNO’s position is that Ontario has not kept pace with other jurisdictions in modernizing self-regulation by professions, noting in particular that other jurisdictions do not necessarily continue to have members of the governed profession directly making decisions such as discipline, etc.</p> <p>Summary of key points in the Submission and Response by the Council of the College of Kinesiologists:</p> <ul style="list-style-type: none"> • Council Size <ul style="list-style-type: none"> ○ The governance literature says the best size for boards is 8-10 members. ○ A large group could lead to difficulty in having fulsome council discussions. ○ CNO working group is proposing a board of 12 members. • CKO position <ul style="list-style-type: none"> ○ CKO is in agreement that a reduced board is more efficient as described in research and current literature. ○ Rationale – a smaller board allows for more efficient decision-making, ○ Further comments- support for this model is based upon other aspects of the model proposed- specifically CKO Support this under the assumption that the expanded committee structure would be part of the new governance structure for health professions. This expanded Committee structure would be intended to ensure high quality advice from members of the profession and expanded number of committees and membership drawn from outside of the board to ensure sufficient capacity to accomplish the duties of committees. • Council Composition <ul style="list-style-type: none"> ○ Focus on the balance of public and professional members ○ CNO recommendation that the membership of the governing body should be at least 50% public members ○ CNO noted that a board comprised of more than 50% members of the profession being governed has the potential to undermine public confidence that decisions are always made in the interest of the public and that interests of the profession may be influencing decisions. • CKO position <ul style="list-style-type: none"> ○ Council is in support of 50% public council so long as it does not have an effect on quorum during a transition period, and noting that the percentage is not the most important factor, but rather competency is. ○ Support for this recommendation includes Council’s further

recommendation that flexibility in implementation be allowed to allow for transition of board members.

- **Council Member Selection Process**

- Elections based on regions are not, for the most part, aimed at selecting people whose skills match the needs of the board. While some people who pursue a seat on Council have many skills that are very relevant to the governance role, it is not assured.
- A process which determines and appoints council members based on competencies for the role of governance would ensure that councils have people at the table with the necessary skills for their role in governing the profession.

CKO position

- CKO Council is **in support** of the recommendation that the election of Council members cease and that Council members be selected based on the competencies needed to support and achieve sound decision-making in the public interest.

- **Executive Committee**

- The CNO has proposed that an executive committee be optional for each College based on preference. Currently the RHPA requires an Executive Committee to act on behalf of Council between meetings, on critical matters. With a smaller board, achieving quorum should be easier relieving the need for an Executive Committee.
- This model would re-inforce the role of the board making all critical decisions, would help to reduce costs and would allow appointees to focus on other priorities.

CKO position

- CKO Council is **in support** of having the option for College Councils to have an executive committee or not.
- Rationale – it was agreed that achieving quorum with a smaller Council would allow a meeting of council to be called as needed. In addition this would ensure greater transparency as all council decisions would be made in open, publicly accessible meetings. In turn this would increase public confidence as the decisions and opinions of all Council members would be brought to bear on all issues.

- **Committees could be comprised of appointees that do not include members of Council.**

- CNO is suggesting that committees are able to be comprised without Council members.
- This would reduce the demands on Council members. In turn the reduction in workload for Council members would allow more qualified people to participate as there would be less interference with meeting personal and professional demands.

CKO position

- CKO is **in support** of flexibility to constitute committees without having Council members on every Committee or Panel. At the same time, the CKO would like to retain the ability to appoint council members to positions on committees where their competencies can

	<p>enhance the work of the committee. Appointments to committees should be competency-based and Council members should be allowed to participate in the work of committees as determined by Council.</p> <ul style="list-style-type: none"> ○ Rationale – it is important that council be able to determine the expertise required for committees and how to meet those requirements. In some instances a Council member may be able to facilitate communication and share with committee important information relating to the concerns and directions of council. <ul style="list-style-type: none"> ● Public Member Compensation <ul style="list-style-type: none"> ○ Colleges are currently not allowed to pay public members ○ CNO is proposing that Colleges pay public members <p>CKO position</p> <ul style="list-style-type: none"> ○ This concept was not supported by council. ○ Rationale – funding model proposed by the CNO does not take account of the very limited resources of some regulators. Other aspects of the proposal from CNO already provide for reductions in the cost of governance, with a smaller Council and fewer appointments, and reduced demands on the time commitments of council members. ○ The College would recommend that per diems to public appointees be increased. Current levels discourage participation and do not reflect the competencies expected and the many demands made of members of council. ○ The Council also noted the significant inequities that are likely to exist in a model where individual colleges paid the per diems of public members. Clearly if the CPSO were to pay public appointees at the same level as professional members, for example, their per diems would exceed by a significant amount what other college would be able to afford, without increasing registrant fees. ○ In addition the council felt that there were many other implications to this recommendation which require further exploration.
<p>Next Steps</p>	<p style="text-align: center;">Determine next steps, if any, for further governance discussions</p> <p>How important is the issue of foundational change (governance reform)?</p> <p>What part, if any, will the discussions and decisions of the day play in the upcoming strategic planning?</p> <p>It was agreed that;</p> <ul style="list-style-type: none"> ● There is a tremendous amount of agreement on what the topics are for governance reform for our College and the readiness to move forward is apparent. ● The topic of governance will be a central focus of the Strategic Planning Workshop. ● A letter to the MOHLTC of general support (with some specific comments) will be drafted by the College Registrar and President and brought forward to the April council meeting.



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 could find any addition of this type to the budget to be burdensome, inhibiting the College in pursuing other strategic priorities.

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,

A handwritten signature in dark ink, appearing to be 'Ken Alger', with a long horizontal line extending to the right.

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

A handwritten signature in dark ink, appearing to be 'Brenda Kritzer', with a long horizontal line extending to the right.

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 Dicerni, Assistant Deputy Minister of Strategic Policy and Planning
Allison Henry, Director of Health Workforce Regulatory Oversight



Decision Note

Issue: Appointment of a Special Committee to Review a Submission from the Ontario Athletic Therapist Association, representing approximately 270 members of the profession, under the Policy: Framework for Assessment of Specialties.
Prepared for: Council
Date: April 15, 2019

Background

Issue: Council must appoint a Committee to review, lead consultations and provide recommendations to Council concerning a submission from the Ontario Athletic Therapist Association (OATA).

In March 2018, Council gave its final approval to the Assessment Framework for Specialties within the profession of kinesiology. Previously, Council had considered the Framework on a number of occasions, had posted the draft Framework on the College website for public consultation, and commissioned a review of the Framework by an educational expert with extensive experience in the accreditation of post-secondary educational programs, particularly in those related to kinesiology.

The Framework specifies that a proposal for authorization of a specialty must meet the following criteria:

- i) Key Decision Criteria
 - (a) Does the proposed specialty make the case that it is necessary for improved public protection?
 - (b) Does the proposed specialty demonstrate strength of certification/education program?
 - (c) Is the proposed specialty broadly understood and accepted within the profession?

The Framework further defines specific criteria relating to education, practice, certification and the requirements which must be met for an organization to be accepted as a body to grant certification, diplomas or degrees. In this latter requirement, the College relied upon accreditation requirements established by other bodies.

The Framework provides for the establishment of a Committee to review a proposal for authorization of a specialty. Each time that the College receives such a proposal, Council will be asked to appoint a Committee to review the proposal. The Committee is to conduct extensive consultation, may request presentation and consult further with the proposing individual or group, etc. The Committee appointed by Council may include external experts on the practice of kinesiology, education, accreditation, and also may include external individual and group representatives able to provide public interest perspectives. The Committee may consult with legal counsel and legal experts, and may include, although not necessarily, members of Council.

Beginning prior to the approval of the Framework, the Ontario Athletic Therapist Association (OATA) had submitted draft proposals to the College aligned with the Draft Framework for Assessment and had been provided with feedback.

The OATA had provided responses to requests for additional information and clarification. In the view of staff the submission now should be submitted to a Committee appointed by Council (as described in the Assessment Framework).

Decision required:

Council is asked to consider the expertise required for thorough competent and fair assessment of the submission, as described in the assessment framework, and to appoint and/or request participation from individuals with such expertise.

(A) Suggestions and considerations to assist Council in appointing a committee to review a submission from the Ontario Athletic Therapist Association (OATA) on proposed authorization of a specialty.

1. Currently, kinesiologists who are athletic therapists and others with certain types of certifications and professional designations are permitted to use such designations as part of their title, placing the designation after the R.Kin title. The Committee must have the knowledge and skills to assess whether the submission has defined a unique area of practice which requires designation in order to protect the public from unqualified practitioners within the practice of kinesiology.

Deliberations on this question may require a legal opinion as to whether authorization of a specialty would protect the title of “athletic therapist” to the extent that the College could take action against those within the College or outside of the college using this title as a designation.

Competencies required for this deliberation: Legal expertise, understanding of risk of harm across the profession, and understanding of the practice of athletic therapy.

2. The Ontario Government determined that the regulation of the profession of kinesiology under the RHPA was necessary to protect the public from risk of harm. Kinesiologists practise in many setting with many different populations. Settings include hospitals, clinics, long term care facilities as well as other health care facilities, patients’ homes, educational facilities and the field of play. Practitioners tend to focus their practice in such as rehabilitation (cardiac, cancer, ABI), elder care, public health, case management, ergonomics, physical performance enhancement for healthy individuals, and teaching. The Committee must assess whether the practice of athletic therapy poses a risk of harm which exceed the risk in other areas of practise and which could only be addressed by an increased level of regulation for those practising athletic therapy.

Competencies required for this deliberation: a broad understanding of the risk of harm across many areas of practise of kinesiology and an understanding of public perceptions of harm.

3. The approved Framework for Assessment indicates that specialties will be authorized only in those areas identified and accepted by the profession where advanced knowledge and skills are essential to maintain or restore health or to provide the required support to the development of the profession. The Framework also requires that formal advanced education and training be required pertaining to the proposed specialty beyond what is attained in the four or five-year kinesiology degree from a recognized Ontario university or degree program determined to be substantially equivalent and used to meet the education requirements in the application for registration with the College. The purpose of the Program and the design of the curriculum must be to provide the special knowledge and skills required for practise of the proposed specialty.

Competencies required for this deliberation: Competencies in evaluation of post-secondary education and/or certification programs, skills to consult with members of the profession with competencies to compare and contrast the education requirements for certification as an athletic therapist with the education requirements for entry to the College and practice in other (sample) areas of practice. Understanding of the nature of practice of kinesiology in various settings and with various client/patient needs; understanding of the scope and nature of practice of kinesiologists and the specific skills required in kinesiology practice (clinical skills, assessment skills, exercise therapy skills, program/exercise prescription skills, communication skills).

4. Guidance from the Ministry of Health and Long -Term Care has indicated that Colleges seeking new regulations must be able to demonstrate that all other options have been explored and further regulation (within the profession in this case) is required. This requires the Committee to determine (a) whether the practice of athletic therapy should be regulated in a manner which is differentiated from how others in the profession are regulated; b) whether other measures such as the Guideline on Use of Titles and Designations have not been sufficiently effective in allowing members to communicate their expertise (through use of recognized titles and designations); and c) that creation of a specialty is the appropriate route to ensuring protection of from risk of harm. This latter means that the public needs to know that the practitioner is regulated specifically as a kinesiologist and as an athletic therapist. Consideration will be given to options such as creation of a class, or creation of a specialty. In this deliberation the Committee will work to formulate recommendations to Council on how to proceed.

Competencies required for this deliberation: competencies and understanding of the regulatory processes of the government, analytical and conceptual competencies to evaluate conceptually effective ways to achieve improved public protection through measures other than regulation; strengths in representing and articulating public interest concerns, and needs.

(B) Accessing expertise to support fair, thorough, and competent evaluation of the proposal from OATA and development of specific recommendations for Council

While Council members may demonstrate some of the competencies described above, many of the required competencies will have to be provided by external resources with specific expertise in such areas as education program evaluation, law, government processes, etc. In addition, as the pivotal consideration revolves around risk of harm and public protection, Council may wish to seek in very specific ways, input from public representatives through such mechanisms as the Citizens Advisory Group as discussed at a previous meeting.

Identified areas of Expertise:

- Legal expertise, in depth understanding of RHPA, regulation development and regulatory processes;
- Broad and deep understanding of the many areas of practice within the profession;
- Specific understanding of the practice of athletic therapy;
- Expertise in accreditation/evaluation of post-secondary education programs;
- Knowledgeable perspectives on public perceptions of risk of harm;
- Expertise/deep understanding of Kinesiology baccalaureate degree programs in Ontario; and
- Ability to chair/lead the Committee through a complex evaluation task, consultations with OATA, other stakeholder representatives, members of the public and external advisors/resources, and to develop specific recommendations to Council.

It is expected that the Committee will review and seek dialogue with OATA, CATA, universities, the Ontario Kinesiology Association, potentially other health professions regulators, and possibly the Ministry of Health and Long-Term Care.

(C) Timelines

Membership on the Committee should be confirmed by the end of April. Invitations to any external resources to participate on the Committee will be sent by the President. Alternative appointments will be determined by the Executive Committee based on the competencies required in this exercise.

Committee meetings should occur in May including most consultations. The Committee may determine a strategy on consultation with the membership and with stakeholders.

A report and recommendations should be available for circulation to Council and posting on the public website, by June 12. If the Committee finds that recommendations cannot be provided for the June meeting of Council, notice should be given to the President and Registrar so that OATA, the proposer, can be informed as well as other key stakeholders.

April 15, 2019 Council Meeting – OATA Correspondence

Good afternoon Don;

Thank you for your comments and for sharing your views so candidly. I will be sharing this response with Council and it will be posted on our website in Council materials.

You have stated that in your opinion, Council's discussion regarding conflict of interest of members should have been held in-camera once individual members of Council were disclosing either their own or another member's potential to be in or to be perceived to be in a conflict of interest.

Our Council is committed to transparency. This commitment was reinforced during the strategic planning meeting held over 2 days in March. Transparency is intended not only to provide valuable information and clarity around the processes of governance, but also to engender and encourage public trust. The public is keenly interested to know that the people involved in decision-making concerning protection of the public, are free from conflict of interest or that any potential conflict of interest has been discussed openly and addressed. Governing bodies that are not open and transparent risk public criticism and suspicion. They risk being seen as "the old boys' club". Conflict of interest discussions should occur in open Council. This need for transparency far outweighs any concerns for individual sensitivities.

All Council members knew that conflict of interest (COI) regarding the proposal from the Ontario Athletic Therapist Association would be discussed at the April 15th meeting. It had briefly been touched upon at the strategic planning meeting and that discussion was terminated because it was felt that the discussion should occur in an open and transparent manner, in a regular meeting of Council. All members of Council had time to reflect upon their personal situation, to review the bylaws, and to request advice if needed. I imagine that many Council members felt that it would be a difficult discussion. I believe that Council members understand that from time to time there will be difficult discussion and disagreement. I am confident that Council members to-date, have understood that disagreement is not bad and in fact will often lead to more fulsome discussion and consideration of many different views.

All members of Council were informed in advance that legal counsel for the College would be present to assist Council with the discussion and decisions regarding conflict of interest. The RHPA permits but does not require exclusion of the public from a portion of a meeting where instructions will be given to or opinions received from the solicitors for the College; (RHPA Procedural Code 7 (2) (a)). In the matter of conflict of interest, there is an overriding public interest and Council acted appropriately by ensuring an open and transparent discussion.

I completely understand and appreciate your concern for one Council member who was found to be in a position where a reasonable person in possession of the facts, would perceive there to be a conflict of interest. I believe all Council members were concerned as I was because it had been a difficult discussion. Appropriately, the Council member left the meeting following the vote on COI so that Council could proceed to the specific item on the agenda. As our legal counsel explained, this is the expected process once a conflict has been declared or determined. There was no need for any other Council member or member of staff to follow the excluded Council member. From time to time all Council members may find themselves in a similar situation or in a situation where their vote stands alone and offside from the rest of Council. That is the process.



In your voice message you mistakenly indicate that Council's decision that the Council member was in a perceived conflict of interest concerning the matter of selecting the members of the Committee, was a "finding of dishonesty and a lack of professionalism". I assure you that this was not the case at all. In fact, Rebecca Durcan, our legal counsel, took considerable care in her briefing of Council describing how a declaration or disclosure by a member of Council concerning themselves or a peer, or a decision by Council that a member of Council is in COI or is likely to be perceived as in COI, is a demonstration of due diligence. In no way does Council's decision suggest anything else. If there is any question about this from the Canadian Athletic Therapists Association, I will be happy to write to them to clarify the matter, on the Council member's behalf.

The fact that the Council member did not agree with Council's decision is her right. However, the fiduciary duty of speaking with one voice requires the Council member to respect the will of the majority. All Council members must uphold the decisions of Council and not speak against any decision of Council. I have every confidence that the members of Council understand this obligation and will consult with the President or me if there is any doubt.

You indicate in your voice message that you have personal knowledge that the member would not be in a conflict of interest. Several Council members who are certified athletic therapists disclosed that they might be perceived to be in a conflict of interest and why they felt that might be the case. Council addressed this question with each person who made a disclosure. To be clear, Council voted that the member, whom you are concerned about, was in a perceived conflict of interest. The reasons for this decision were clearly explained and will be recorded in the Minutes of the meeting. As you were at the meeting as an observer, I believe that you are aware of the reasons for Council's decision.

You also made comments in your voice message concerning the procedures of Council. In this I can also assure you that Council observes in every respect, the intent of parliamentary procedures. Council members are not parliamentarians. They are engaged individuals, committed to public protection, respectful of each other and of due process. Council does not have an ever-present guardian to ensure strict observance and yet, all matters are decided by vote. I have had the opportunity to observe many Councils and many chairs and I feel confident about the following:

- All Council members are given ample opportunity to address any matter before Council;
- All matters are discussed in an open and transparent manner unless Council believes it is prudent (and permitted) to move in camera per s. 7 of the Code);
- All decisions are voted upon. There is a mover and a seconder and the vote is taken in an orderly fashion. There is usually considerable discussion on a matter before the Motion is put forward. Generally once a Motion is made there is a call for additional discussion and amendments may be proposed. The Minutes record the final Motion and the outcome of the vote. Council reviews the Minutes and members have the opportunity to make corrections or additions.
- The President makes himself or herself available to Council members, to raise any concerns.

You questioned the procedures concerning the "on-the-spot editing" of a document. Council became involved in discussion concerning both the minor editing aimed at making the document more generic, and also in determining the number of people who should sit on Special Committee to review a proposal for specialties. Members appropriately identified that a Motion had not been



made on one decision and they checked with the recording secretary. This was appropriate. They then proceeded to address the required decision through appropriate motions and votes.

While I value and appreciate your comments, I find that in this criticism of Council, you are unduly harsh, that you are not acknowledging that on all matters of decision there is a clear voting procedure in place, and that Council members work hard to ensure that all views have been heard. I have no doubt that there are many examples outside of our Council where the procedures, the respectful environment, and the transparency around discussion and decision, are not so apparent.

I appreciate your apology for your abrupt departure and the unfortunate slamming of the door. I understand that this was not intended. The College and Council welcome observers at Council meetings. You will be provided with an outline of expectations of guests.