



COLLEGE OF OPTOMETRISTS OF BC

Board Meeting Minutes, December 7, 2015

Approved February 29, 2016

1. CALL TO ORDER AND INTRODUCTIONS

Members present:

- Dr. Dale Dergousoff
- Dr. Manbir Randhawa
- Dr. Joan Hansen
- Dr. Sally Donaldson
- Dr. Pardeep Dhillon
- Mr. Wesley L. Barnaby
- Mr. Gurminder Singh Parihar
- Ms. Joyce Kenoras

Staff present:

- Dr. Dr. Robin Simpson, Registrar
- Stanka Jovicevic, CAO/Assistant to the Registrar

Regrets:

- Dr. David Schwartz

Dr. Dergousoff, Chair called the meeting to order at 9:00am. A quorum was present, and the meeting, having been duly convened, was ready to proceed with business. This meeting was conducted in accordance with Robert's Rules, pursuant to Bylaw 26. Special rules were adopted that limit discussion to 3 minutes per person during the first round of debate and to 2 minutes per person during the second round.

The duty of the College is to be fair, objective, unbiased and transparent in all of our considerations. We make policies to serve the regulatory functions of the College and act in the public interest. The Board works in a courteous spirit and the majority prevails; we speak with one voice and all discussions are directed towards the Chair.

The Chair welcomed new appointed board member, Ms. Joyce Kenoras.

2. ADOPTION OF AGENDA

It was moved, seconded and carried that the Agenda is approved as amended to include:

8.7 As this item involves personnel matters, it was moved and carried that the Board, with the inclusion of the Registrar and the CAO, goes in private session, in accordance with Bylaws, s. 15.7(e).

On resuming open session, the Board noted that no business had been conducted.

3. APPROVAL OF MINUTES

3.1 It was moved and carried that the Board approves the September 21, 2015 minutes as circulated.

4. CORRESPONDENCE RECEIVED

It was moved and carried that the Board adopts Correspondence Received as follows:

- Items 4.1, 4.2, 4.4, 4.5 – no further action
- Item 4.3 – the Registrar to respond to the writer

5. REPORTS

It was moved and carried that the Board accepts reports 5.1, 5.2 and 5.3 as circulated.



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6. FINANCIAL REVIEW

- 6.1 It was moved and carried the Board approves the Balance Sheets as presented.
- 6.2 It was moved and carried that the Board approves the Income Statements as presented.
- 6.3 The Board of the College approves financial report and proposed budget for 2016 as presented.
- 6.4 Reserve Fund Policy review – no changes

7. UNFINISHED BUSINESS

- 7.1 OE tracker – in process
- 7.2 Committee review – It was resolved that pursuant to Bylaw 17.1, the Board of the College approves the appointments of Ms. Marnie Mitchell and Ms. Leza Muir as public representatives.
It was resolved that pursuant to Bylaw 17.1, the Board of the College approves the appointment of Ms. Marnie Mitchell as a public representative of the Discipline Committee and Patient Relations Committee, Ms. Leza Muir as a public representative of the Quality Assurance Committee and Governance Advisory Group and Ms. Joyce Kenoras as a public member of the Discipline and Patient Relations Committee.
Dr. Dergousoff noted that Ms. Vikki Bell has submitted her resignation as a Public Representative, effective January 1, 2016. The Board directed the Registrar to acknowledge her many years of service on the Quality Assurance Committee and Discipline Committee, noting her exemplary contribution to the Quality Assurance Committee.
Dr. Dergousoff noted that Mr. Jack Corbett completed his term as a Public Representative to the College and member of the Patient Relations Committee. The Chair noted that he was one of the first public representatives appointed by the College in 2009.
- 7.3 Strategic planning cycle – It was moved and carried that the Board accepts proposal from Mr. MacPherson to engage his services for the Strategic Planning Session.

Action item: Strategic Planning session to be held on February 20th & 21st, 2016.

8. NEW BUSINESS

- 8.1 By Ministerial Order, Ms. Joyce Kenoras of Salmon Arm is appointed as a public member to the Board of the College for a term ending September 1, 2016. The Board welcomes Ms. Kenoras
- 8.2 Pursuant to Bylaw 139, it is resolved that the Board of the College waives the late renewal fee assessed, based on the compassionate grounds.
- 8.3 Pursuant to Bylaw 36(1), it is resolved that the Board of the College appoints Smythe LLP, Chartered Professional Accountants, to be the auditor.
- 8.4 Whereas: The College has paid \$180,075.88 from the College reserve fund for discipline hearing costs, legal fees, investigative costs, and disbursements in relation to various regulatory and court proceedings against Dr. Jerry MacKenzie since January 1, 2013 in furtherance of its role to protect the public. Those proceedings included a bifurcated discipline hearing in 2013 on liability and penalty, a bifurcated discipline hearing in 2015 on liability and penalty, an undercover investigation by CKR Global to gather evidence for an injunction application, a 2014 application to BC Supreme Court for an injunction to enjoin Dr. MacKenzie from engaging in the unauthorized practice of optometry following his suspension from practice in 2013, and a 2015 application to British Columbia Supreme Court for an application for a contempt order after Dr. Mackenzie failed to comply with the injunction, as well as responding to a judicial review application filed by Dr. Mackenzie in relation to one of the Discipline Committee decisions. The College has succeeded in each of the proceedings. In the second discipline hearing, the College obtained a ruling that Dr. Mackenzie is "ungovernable". As a consequence, his name has been removed from the register



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and he has been assessed fines and costs, payable to the College, totaling approximately \$88,885.00 for the discipline hearings. The Court has also awarded the College special costs for the contempt application. Dr. MacKenzie has claimed penury and it appears that he is unlikely to honour his debt to the College in the foreseeable future. The College will be pursuing collection of Dr. Mackenzie's outstanding indebtedness to the College through a court action. In the meantime, the Registrar of the College is of the opinion that it would be sound and prudent fiscal management to restore the amount removed from the reserve fund in relation to this matter.

Therefore: It is resolved that by special resolution in accordance with section 133 of the Bylaws of the College, the Board assesses a special levy of \$250.00 per registrant for all classes of registrants currently registered as of December 1, 2015, such levy to be paid to the College no later than March 31, 2015.

8.5 Whereas: Section 53(1)(b) of the HPA, requires the release of confidential information be authorized as being in public interest by the Board of the College in relation to which the power of duty is exercised or performed;

Therefore: It is resolved that the Board recognizes that disclosure of information regarding an applicant seeking registration and registrants of the College to other regulators of optometry in Canada is in the public interest where the circumstances indicate that the applicant or registrant has not been forthright with the College or that his or her registration may pose a risk to public safety.

8.6 Presentation regarding shared IT system, CRBBC – Registrar to present a business plan.

9. NEXT MEETING

The College Board has been scheduled to meet on February 29 and May 30, 2016

10. ADJOURNMENT

There being no further business, the meeting concluded at 2:40pm.