

COLLEGE OF PHYSIOTHERAPISTS OF MANITOBA

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18th ANNUAL GENERAL MEETING MINUTES

Held: Khartum Shrine Centre
1155 Wilkes, Winnipeg
Date: Thursday April 25, 2019
Time: 8:00 PM
Present: 89 Voting Members
 0 Examination Candidate Members
 7 Students
 1 Public Council Members
 0 Public Committee Members
 6 Observers (*all non-Members in attendance*)
 2 Secretary(s) (*CPM admin staff in attendance*)
Quorum required 46 Voting members 913

1.0 Call to Order

Mark Garrett introduced himself as Co-Chair of Council and announced that he would be chairing this portion of the meeting. M. Garrett announced that quorum had been met.

M. Garrett called the meeting to order at 8:12 PM.

2.0 Announcements

M. Garrett informed attendees that Active and In-Active members are the only members able to vote on any matter that may arise at the meeting. Members must raise cards to vote. M. Garrett informed members that if they wish to address the audience they should come to the microphone stand, state their name and place of employment for the record, and then speak.

Introduction of Council Members

M. Garrett introduced the current CPM Council Members, employees, and special guests:

- Susan Bowman, Co-Chair (winner of the Susan McDonald award)
- Lindsay Pratt, Treasurer
- Kelli Berzuk
- Amelia (Amy) Sedor
- Susan Gerlach (*not in attendance*)
- Barry Smith, Public Member, Government Appointed (*not in attendance*)
- Leslie Wilder, Public Member, CPM appointed (*not in attendance*)
- Ray Hoensen, Public Member, CPM appointed

Student Members:

- Rebecca Krahn, MPT 2
- Caylie Young, MPT 1

Staff:

- Cheryl Saranchuk, Office Administrator
- Christie Lamy, Executive Assistant
- Jennifer Billeck, Deputy Registrar
- Moni Fricke, Continuing Competency Program Coordinator
- Kathy Johnson, Complaints Coordinator
- Brenda McKechnie, Registrar, Executive Director

Others Employed by CPM:

- Carol Rempel, Comptroller
- Shauna Martin, Policy Writer

Special Guests:

- David Marr and Joey Pollock, Marr Finlayson Pollock LLP (CPM legal counsel)
- Margot Morrish, Office of the Manitoba Fairness Commissioner
- Sheila Williams, President of the Manitoba Physiotherapy Association

MPT1 and MPT2 Students in attendance were welcomed.

M. Garrett informed members that Shawna Coughtrey and Cindy Grant had agreed to serve as Scrutineers. Hearing no objections, S. Coughtrey and C. Grant acted as Scrutineers.

3.0 Approval of the Standing Rules for the AGM as written on the agenda

M. Garrett asked if there were any changes to the standing rules for the AGM as written on the Agenda. M. Garrett asked for a member to approve the “Standing Rules” as written.

Discussion: none

M. Garrett called for the vote.

19-01 Moved by: Kathy Mulder

Seconded by: Barb Shay

It was moved and seconded to approve the “Standing Rules” for the AGM as written on the agenda.

All in Favour

0 opposed

MOTION Carried

5.0 The Annual Report

M. Garrett announced that the Annual Report was posted to the CPM website on April 12, 2019.

5.1 Approval of the 2018 Annual Report

M. Garrett asked for a motion to approve the Annual Report.

Discussion: none

M. Garrett called for the vote.

19-04 Moved by: Lindsay Pratt

Seconded by: Jennifer Terrio-Baturin

It was moved and seconded to accept the 2018 CPM Annual Report as circulated.

All in Favour

0 Opposed

MOTION Carried

M. Garrett thanked all committee chairs and volunteers for their dedication and work on behalf of CPM. M. Garrett announced that the Annual Report would be placed on file.

5.2 Financial Report

M. Garrett informed members that the 2018 Financial Report was pre-circulated within the 2018 Annual Report. M. Garrett introduced Lindsay Pratt (Treasurer) who presented the Financial Report.

Key Points:

- Council plans to meet the budget and spends a great deal of time meeting regarding the budget.
- In 2018, Council faced some challenges and opportunities; there was no increase in 2018 fees; Council passed a deficit budget to accomplish this.
- To minimize costs and increase revenue, rental of office space was provided to the Respiratory Therapists; AGM spending was decreased; with last year's By-law changes increased email communication with Registrants versus mail.
- Continuing Competency Program (CCP) and Policy Writing came in under budget.
- In 2018, legal fees were 1.5 times more than previously. Legal fees fall under professional fees, along with accounting fees and financial review. In 2018, we had an Inquiry leading to increased legal costs.
- For 2019, Council expanded the budget in order to accommodate necessary database upgrades and prioritize contingency funds; we are supposed to have a minimum one year operating costs and this has not been prioritized for several years.

- Council will prioritize efforts to prepare to fall under the *Regulated Health Professions Act* (RHPA).
- Office staff and Council continue to work hard to respect the needs of members while prioritizing these key areas.

Discussion:

Comments/Questions from Kori Kagan (employed at HSC Children's): In public practice there has been a wage freeze; under Bill 28, there has been a 1.75% raise over four years. This applies to half of CPM's members who work in public practice. Can we have information about raises at the College? We would like transparency on salaries, days/ hours worked.

Answer from Lindsay Pratt: Both private and public members on Council have worked hard to keep fees the same and cut areas of the budget where we could.

Susan Bowman, Co-Chair of Council: Regarding salaries, the overall number is combined salaries; fluctuations in numbers are due to a maternity leave for one admin staff and the hiring of a part-time admin staff. Council votes on the Registrar's salary; there has been no increase for past 2 years.

Question from Kori Kagan: How about transparency of actual salaries?

Answer from Lindsay Pratt: As both a student and a member on Council this question has come up in the past; we are not disclosing salaries at AGM but it has been noted by Council that the membership would like transparency regarding salaries.

S. Bowman: Council wants to be fiscally responsible while keeping in mind recruitment for the future; salaries must be comparable with others in similar positions. Note has been made for next year's Council to discuss how much of a breakdown we can do for the 2019 Financial Report.

L. Pratt made a motion to approve the 2018 CPM Financial Statement as presented.

S. Bowman asked for discussion.

Discussion: no further discussion

S. Bowman called for the vote.

19-05 Moved by: Lindsay Pratt

Seconded by: Kelli Berzuk

It was moved and seconded to accept the 2018 CPM Financial Statement as presented.

In Favour

4 Opposed

MOTION Carried

6.0 Ethics Committee Update

Sandra Webber, Chair of the Ethics Committee, addressed attendees regarding the Harmonized Code of Ethics and the revised Code of Ethics for the *Regulated Health Professions Act*. See Appendix 1 Proposed Code of Ethics Changes, which was presented to attendees via video screen.

Key Points:

- Recommended that we adopt the *National Code of Ethical Conduct* to replace the CPM Code of Ethics 2004. The National Code was developed by the provincial regulators, with funding from the Alberta College and the Alliance in Nov 2017 (adopted by 8 provinces and MB). Ontario is the only province that has not accepted.
- It is based on the four primary ethical principles.

S. Bowman called for a motion to approve the Harmonized Code of Ethics.

Discussion:

Question from Beth Wonneck: How is this Code of Ethics different from the Code of Ethics developed when I was on the Ethics Committee five years ago?

Answer from S. Webber: Are you talking about the Code of Ethics created for insertion into the RHPA? This Code of Ethics will be coming up next.

S. Bowman called for the vote.

19-08 Moved by: S. Webber

Seconded by: Candice Tremblay

It was moved and seconded that the Harmonized Code of Ethics be approved.

All in Favour

0 Opposed

MOTION Carried

S. Webber presented the revised Code of Ethics for the *Regulated Health Professions Act*.

Key Points:

- This is a shortened version of the Code of Ethics for insertion into the RHPA.
- Recommended that we approve minor changes to the abbreviated ethics document (changes were outlined in red in slide presentation –see Appendix 1 Proposed Code of Ethics Changes).

S. Bowman called for a motion to approve the revised Code of Ethics for the *Regulated Health Professions Act*.

Discussion: none

S. Bowman called for the vote.

19-09 Moved by: S. Webber **Seconded by:** Tory Crawford
It was moved and seconded that the revised Code of Ethics for the *Regulated Health Professions Act* be approved.
All in Favour
0 Opposed
MOTION Carried

7.0 Update from the Legislative Committee/By-Law Changes

Ken Grove, Chair of the Legislative Committee, highlighted the proposed changes to the current By-Laws that were sent to the membership in the AGM emails. K. Grove stated that the By-Law changes were drafted with the advice of legal counsel, with Legislative committee input, and by referring to the By-Laws of other regulators. See Appendix 2 Proposed By-Law Changes, which was presented to attendees via video screen.

By-Law Change 1:

ARTICLE I: ADMINISTRATION OF THE COLLEGE

IV. Banking and Financial Affairs

Currently Reads:

4.8 Council members including public representatives who attend at least 60% of the scheduled council and committee meetings annually, shall receive a yearly honorarium equal to the active register fee. The Council Chairperson will receive twice the amount of the active register fee. Co-chairs would receive 1.5 times the active register fee.

Suggested Change:

4.8 Council members including public representatives who attend at least 75% of the council meetings annually, shall receive a yearly honorarium equal to the active register fee. The Council Chairperson will receive twice the amount of the active register fee. Co-chairs would receive 1.5 times the active register fee.

K. Grove asked members for questions and/or discussion regarding the proposed amendments to Article I: Administration of the College, IV. Banking and Financial Affairs, bullet 4.8.

Discussion: none

K. Grove called for the vote:

19-10 Moved by: Kathy Johnson

Seconded by: Virginia Lees

It was moved and seconded that the amendment to bullet 4.8 of Article I: Administration of the College, Subsection IV. Banking and Financial Affairs be approved.

All in Favour

0 Opposed

MOTION Carried

By-Law Change 2:

K. Grove explained to the membership that these changes were made in order to clarify what “good standing” means.

ARTICLE V: ELECTION OF THE COUNCIL

I. Elected Members

Currently Reads:

1.4 Only those members on the Active Practicing or Inactive Register who are in good standing with the College at the date of election are eligible for election or appointment to any position within the College.”

Suggested Change:

- 1.4 A member is eligible for election to Council or appointment to the Complaints Committee, the Inquiry Committee or the Board of Assessors Committee:
- a. at all times between the 90th day before the election and the date of the election, the member continues to be registered for practice in Manitoba;
 - b. the member has a minimum two years of independent practice in physiotherapy in Canada;
 - c. the member is not in default of any obligation to the College under the Regulations or the By-laws including the payment of any fees required;
 - d. the member is not the subject of discipline proceedings;
 - e. the member is not the subject of any inquiry by the Inquiry Committee;
 - f. the member has not been found guilty of professional misconduct, to be incompetent, or to be incapacitated in the six years before the election;
 - g. the member's certificate of registration has not been revoked or suspended for professional misconduct, incompetence or incapacity at any time in the six years immediately before the election;

- h. the member's certificate of registration has not been subject to a term, condition or limitation other than a term, condition or limitation prescribed by the Regulations in the six years before the election;
- i. the member is not and has not been in the 12 months before the election, a director, officer, committee member, employee, or holder of any position of decision-making influence of any other organization of physiotherapists;
- j. the member is not a participant (other than on behalf of the College) in a legal action or application against the College;
- k. the member is not and has not been in the 12 months before the election an employee of the College;
- l. the member discloses all potential conflicts of interest in writing to the registrar within five business days of being nominated and either does not have a conflict of interest to serve as a Councillor or has agreed to remove any such conflict of interest before taking office;
- m. any disputes about a person's eligibility for election shall be determined by the Nominations Committee. If the Nominations Committee determines that a member is ineligible for election, the member may appeal that decision to Council and Council's determination shall be final, without appeal.

K. Grove asked members for questions and/or discussion regarding the proposed amendments to Article V: Election of the Council, I. Elected Members, bullet 1.4.

Discussion:

Comments/Questions from Roland Lavalée (employed at Windsor Park Physio and University of Manitoba): Is there anything identified in the list about having a complaint against a member? If a particular member is under a cloud of suspicion they should not qualify. Could there be an amendment to include members with complaints?

Answer from David Marr (CPM legal counsel): “e” covers complaints.

Question from Roland Lavalée: What if it is not a matter of Inquiry?

Answer from D. Marr: “subject to inquiry” covers complaints; amendment is not required.

Question from Brenda Tittlemier: Re: bullet ‘b’; minimum two years of independent practice, where did this number come from?

Answer from K. Grove: I believe bullet “b” was derived from looking at By-Laws of other regulators.

Answer from B. McKechnie: Other parties used two years as a reference point.

Comment/Question from Brenda Tittlemier: In my experience with Board of Assessors; we have had members involved that are newly out of school and their input has been valuable. There are three people that would not be there; we might be excluding people with new ideas. Can we reconsider? Can I make a motion to amend “b”?

Answer from K. Grove: A motion could be made to amend or eliminate ‘b’. Did you want to give it some thought?

Comment: B. Tittlemier stated she would give it some thought.

Comment/Question from Sarah Stetski:
In terms of being involved in other organizations, does that include CPA (Canadian Physiotherapy Association)?

Answer from K. Grove: Yes, This would be for a potential conflict of interest; preventing undue influence from one organization to another.

Question from Janis Lumsden: Seeking clarification; does bullet “b” apply to Council or to other committees?

Answer: This includes Complaints, Council, Inquiry and Board of Assessors.

Comment from Kathy Johnson, Complaints Coordinator: With no rule, you could potentially have an entire Council made up of members that have less than two years of experience.

Question from Brenda Tittlemier: Has this situation ever happened? (Where a committee had less than two years of experience).

Answer from B. McKechnie: We deliberately look for members that have experience just as we look for members from rural areas; in our experience it is harder for members with less experience to get up to speed; some have difficulty reading financial statements.

Comment/Question from Brenda Tittlemier: I would like to make a motion to eliminate “b” completely. (Candice Tremblay volunteered to second this motion which was later determined to be out of order)

Comment from Kathy Johnson: I respect others’ comments but from personal experience on Complaints and Council I would caution having a committee member with less than two years of experience; on Complaints it would be difficult to make the complex decisions required.

Question from Roland Lavalée: As per Roberts Rules of Order does the first motion presented not need to be voted on before proceeding with this motion?

CPM legal counsel David Marr and Joey Pollock determined that according to Roberts Rules of Order the membership were required to return to the original motion and vote before proceeding. The motion made by Brenda Tittlemier to eliminate bullet ‘b’ was determined to be out of order.

Questions from Suzanne Dyck: Is it possible to consider each committee separately? Can we assess committees differently in terms of eligibility?

Comment/Question from Shawna Coughtrey: Are the votes/input of public members on a committee the same as the physiotherapist members? They have no physio experience.

Answer from J. Pollock: It is a statutory requirement to have public members on committees. Membership needs to move forward with the vote on the current motion. The motion made by B. Tittlemier is out of order.

K. Grove called for the vote:

19-11 Moved by: Maria Froese **Seconded by:** Barb Shay

It was moved and seconded that the amendments to Article V: Election of the Council, I. Elected Members, bullet 1.4 be approved.

21 in Favour
51 Opposed
MOTION Defeated

Comment/Question from Candice Tremblay: I can recognize Kathy Johnson's concern that a committee could be made up of members with minimal experience; I would like to make an amendment.

Answer from J. Pollock: The motion is defeated; a brand new motion is now required; 1.4 does not exist. If someone wants to make a brand new motion they can do so.

S. Bowman addressed the membership: This has been great feedback; this is not time-sensitive; we will keep this By-Law as it stands now and revisit it at next year's AGM. The motion is defeated; Council will take this feedback and come up with new amendments for AGM in 2019.

Question from K. Grove: Can we still go through with By-Law changes 3 and 4 as they were dependent on By-Law change 2?

David Marr and Joey Pollock reviewed the By-law document to determine if membership could proceed.

Comment from Evelyn Lightly: Regarding Complaints and Inquiry committees, the next By-Law changes are specific to these committees

After consultation with CPM legal counsel the decision was made not to proceed to By-Law changes 3 and 4.

K. Grove stated that there had been good discussion and thanked the membership for working with the Committee on these By-Law changes.

S. Bowman addressed the membership and asked to add to the Agenda a response from CPM legal counsel regarding comments and questions related to the Financial Report.

8.0 Response from CPM Legal Counsel to Comments and Questions Related to the 2018 Financial Report

J. Pollock: Employees in the public sector have a union, the union negotiates with government. Individuals have a choice to accept this or if they are not satisfied they may go into the private sector. There is a distinction between this and an organization such as this with a Council; Council has a right to make a decision (regarding salaries). They can decide to pay what has been asked of them or not. The party accountable to you is the Council. For example if members are unhappy with the expenditures on ink, would they demand to see invoices – no. The remedy is to elect a new Council. With the WRHA, they are required by law to disclose salaries. In this case you have elected a body to make decisions on your behalf regarding the hiring and salary of staff.

Comment/Question from Kori Kagan: This still does not negate transparency. We pay for their salaries. Staff are possibly receiving raises, we don't know.

Answer from J. Pollock: Members vote on a budget. What is the purpose of having a Council? Either approve the budget or don't and if membership has no confidence in Council then they would vote in a new Council.

Question from Trevor Christie: Can Council choose to be transparent and disclose salaries?

Answer from Joey Pollock: Yes, they can choose to but there is no obligation; asking for invoices/explanations for every line item on the budget if membership is not happy, this is not how it operates.

Comment/Question from Heather Flett: I'm a member of my child's nursery school board; the board decides who to hire to teach and how much they make; it is made clear how much the teachers make. Parents have a right to ask who is making what. We could consider making a motion to ask Council to make the salaries transparent.

S. Bowman addressed the membership: This feedback will go back to Council and it could be a possibility to expand the information provided in this line of the Financial Statement for next year's AGM.

Comment/Question from Jenna Tritthart: This is a big number, not like the example of ink (office supplies) given. We want details on this much bigger line.

Comment/Question from Roland Lavallee: Kori Kagan did not say that she did not have confidence in Council, on the contrary. You have said that you've heard us – thank you.

9.0 Introduction of Council Members for 2019-2020

S. Bowman informed the membership that following last year's Annual General Meeting, Council had 1 vacancy when Kathy Johnson resigned from Council. Council chose to appoint Amelia (Amy) Sedor to fill the position.

S. Bowman asked for a motion to ratify Council's actions regarding the appointment of Amy Sedor to complete Kathy Johnson's position until April 2020.

Discussion: none

S. Bowman called for the vote.

19-12 Moved by: Barb Shay **Seconded by:** D'Arcy Bain

It was moved and seconded to ratify Council's actions regarding the appointment of Amelia (Amy) Sedor to complete Kathy Johnson's position until April 2020.

All in Favour
0 Opposed
MOTION Carried

S. Bowman informed the membership that there are two vacancies on Council. Susan Gerlach and Lindsay Pratt are both completing their term of office. CPM received nominations from D'Arcy Bain, Liza Cordova, and Janis Lumsden for a three year term.

S. Bowman stated that earlier in the evening voting members had been provided with ballots in order to select two of the three incumbents. In addition, requests for mail-in ballots were received for 70 members and 41 were received back in the CPM office. The mail-in ballots were tallied in with the ballots completed this evening. The vote was extremely close; legal counsel advised the scrutineers.

S. Bowman announced that D'Arcy Bain and Janis Lumsden will be the two newest members of Council.

S. Bowman asked for a motion to destroy the ballots.

19-13 Moved by: Kathy Mulder **Seconded by:** Monique Wichenko

It was moved and seconded to destroy the ballots from tonight's vote.

All in Favour
0 Opposed
MOTION Carried

S. Bowman announced that the new Council for 2019-2020 will be: Kelli Berzuk, Susan Bowman Mark Garrett, Amy Sedor, D'Arcy Bain, and Janis Lumsden.

Public Members will remain Leslie Wilder, Barry Smith, and Ray Hoemsen.

Students Members will be Rebecca Krahn (MPT 2) and Callie Young (MPT1). Rebecca will be graduating in the fall and CPM will seek a replacement for her at that time.

10.0 Other Business:

S. Bowman asked the membership for any other business. Hearing none, S. Bowman presented certificates to the following off-going Council Members: Susan Gerlach (in absentia) and Lindsay Pratt.

11.0 Adjournment:

S. Bowman concluded the meeting by encouraging the membership to provide their feedback on the 18th AGM using the survey forms located on each table.

S. Bowman, Co-Chair of Council, adjourned the business portion of the meeting at 9:31 PM