

**MEETING MINUTES OF THE BOARD OF THE  
COLLEGE OF PHYSIOTHERAPISTS OF ONTARIO**

**Monday, December 9 and Tuesday, December 10 2024**

The College Boardroom & Virtually via Zoom

**Public Director Attendees:**

Carole Baxter  
Mark Heller  
Frank Massey  
Richard O'Brien

**Professional Director Attendees:**

Katie Schulz (Acting Chair)  
Frank DePalma  
Kate Moffett  
Dennis Ng  
Kirsten Pavelich  
Gary Rehan  
Theresa Stevens  
Maureen Vanwart  
Trisha Lawson  
Sinéad Dufour

**Guests:**

Bill Quinn, RBC  
Amy Block, Partner, WeirFoulds LLP  
Paul Le Vay, Independent Legal Counsel

**Staff Attendees:**

Craig Roxborough, Registrar & CEO  
Anita Ashton, Deputy Registrar & CRO  
Lisa Pretty, Senior Director, Organizational Effectiveness  
Mara Berger, Director Policy, Governance & General Counsel  
Mary Catalfo, Director, Finance  
Joyce Huang, Manger, Strategy  
Evguenia Ermakova, Policy Analyst

**Recorder:**

Caitlin O'Kelly, Governance Specialist

**Public Director Regrets:**

Nitin Madhvani  
Christopher Warren  
Jesse Finn

**Monday, December 9, 2024**

**Welcome and Call to Order**

K. Schulz, Acting Chair, called the meeting to order at 10:00 a.m. and welcomed Directors and staff to the Board of Directors meeting. Meeting regrets were noted. K. Moffett, Professional Director, provided the Territory Acknowledgement. K. Schulz confirmed the College's ongoing commitment to the Public Interest mandate.

**1.0 Review and Approval of the Agenda**

**Motion 1.0**

It was moved by M. Vanwart and seconded by M. Heller that:

The agenda be accepted with the possibility for changes to the order of items to address time constraints.

**CARRIED.**

## **2.0 Declaration of Conflicts of Interest**

K. Schulz asked if any Board Directors had any conflicts of interest to declare with regards to the agenda items. No conflicts were declared.

Directors were reminded that the potential for conflicts should be kept in mind throughout the meeting and declarations can be made at any time.

## **3.0 Approval of the Consent Agenda**

K. Schulz provided an overview of the items listed on the Consent Agenda for approval.

### **Motion 3.0**

It was moved by D. Ng and seconded by F. Massey that:

The following items be approved by the Board:

- Approval of the September 23-24, 2024 Board Meeting Minutes
- Approval of the September 24, 2024 Board Meeting In-Camera Minutes
- Q2 Executive Committee Report

**CARRIED.**

## **4.0 Acting Chair's Report**

K. Schulz provided an overview of the Acting Chair's report that covers activities since the September Board meeting, which included a summary of the Annual Board Operations Evaluation survey results and a Key Conference Learning Report for the annual Canadian Network of Agencies for Regulation (CNAR) conference.

## **5.0 Registrar's Report (with Dashboard)**

C. Roxborough, Registrar & CEO, provided an overview of key operational activities and initiatives over the last quarter, including an overview of the dashboard metrics and the College's Risk Register. The Registrar noted challenges with the examiner attrition for the Ontario Clinical Exam. Recruitment efforts are ongoing, and additional examiners have been on

boarded to address the shortage. The Registrar also updated the Board on ongoing discussions with the Ministry of Health regarding physiotherapists' ability to order diagnostics.

## **6.0 Multi College Discipline Tribunal – Opportunity Exploration**

C. Roxborough and A. Ashton, Deputy Registrar & Chief Regulatory Officer, presented an overview of the Multi-College Discipline Tribunal pilot program and invited the Board to provide initial impressions and identify the information needed to assess potential participation.

The Board discussed key considerations, including cost implications, timelines, user experiences, and the tribunal's long-term viability. The Board directed staff to gather additional information on these areas and provide a detailed analysis at a future meeting to support a decision on whether to proceed with a pilot project.

## **7.0 Entry to Practice Licensure Examinations - Next Steps**

K. Schulz welcomed Brandi Park, National Director, Evaluation Services, of the Canadian Alliance of Physiotherapy Regulators (CAPR). CAPR provided updates on their plans to launch a new unified exam by 2026, focusing on making it pandemic-proof and efficiently administered. The presentation highlighted improvements in addressing past challenges, enhancing efficiency, and integrating equity, diversity, and inclusion principles, with a focus on cost effectiveness and accessibility for internationally educated physiotherapists.

Following the presentation and a question-and-answer session, C. Roxborough and A. Ashton, facilitated a discussion with the Board on whether to support the adoption of CAPR's national exam model in principle, contingent on satisfactory due diligence. While the Board expressed cautious interest in exploring a return to a national exam, members raised concerns about CAPR's reliability, transparency, financial impact, and its ability to meet Ontario's regulatory and public interest needs.

The Board directed staff to gather additional information on the proposed model, including cost structures, timelines, and its potential impact on candidates. Staff were also tasked with exploring the feasibility of a contingency plan should CAPR's exam be adopted but encounter issues. The Board will revisit the discussion at a future meeting once additional information has been reviewed.

## **8.0 Final Review of Revised Standards (3<sup>rd</sup> batch) for Approval**

E. Ermakova, Policy Analyst, presented an overview of the revised standards from the third group, based on the consultation, and summarized the feedback received. The Board was being asked to approve the third group of standards for use in Ontario, effective February 1, 2025.

### **Motion 8.0**

It was moved by M. Vanwart and seconded by K. Moffett that:

The Board approves the adoption of the following Standards, to be effective February 1, 2025:

- Collaborative Care
- Conflict of Interest
- Dual Practice
- Infection Control

And rescinds the following Standards, effective February 1, 2025:

- Collaborative Care
- Conflict of Interest
- Infection Control and Equipment Maintenance

**CARRIED.**

*N. Madhvani joined the meeting at 3:00 p.m.*

### **9.0 Code of Conduct Inquiry**

The Board commenced an inquiry into the potential breaches of the Code of Conduct by N. Madhvani.

K. Schulz introduced Paul Le Vay, independent legal counsel, who was retained with the intention to facilitate the discussion as a neutral party with the ability to provide advice to the Board. Amy Block, Partner, WeirFoulds LLP, was also in attendance to provide legal counsel to K. Schulz.

### **Motion 9.0**

It was moved by M. Vanwart and seconded by R. O'Brien that:

The Board approves the appointment of Paul Le Vay, external legal counsel, to Chair the discussion for Item 9 – Code of Conduct Inquiry at the December 9-10, 2024 Board Meeting.

**CARRIED.**

*P. Le Vay assumed the role of Chair.*

K. Schulz presented a submission outlining the allegations against N. Madhvani.

N. Madhvani was given an opportunity to respond, and he contested the allegations.

Following these submissions, the Board was invited to ask N. Madhvani and K. Schulz questions for clarification. Once this phase concluded, N. Madhvani was asked to leave the meeting to allow for deliberations.

*N. Madhvani left the meeting at 3:44 p.m.*

The Board first deliberated on whether there had been a breach of Section 6 of the Code of Conduct. After careful consideration the Board determined that a breach had occurred.

### **Motion 9.1**

It was moved by G. Rehan and seconded by M. Vanwart that:

The Board has determined that Nitin Madhvani breached the following provisions of the Code of Conduct:

*In performing their role, each Director and Committee member will:*

*6. Respect the power, authority and influence associated with their role and not misuse this for personal gain.*

**CARRIED.**

The Board then discussed whether there was also a breach of Section 5 of the Code of Conduct. After careful consideration the Board concluded that a breach had also occurred.

### **Motion 9.2**

It was moved by K. Moffett and seconded by F. Massey that:

The Board has determined that Nitin Madhvani breached the following provisions of the Code of Conduct:

*In performing their role, each Director and Committee member will:*

*5. Refrain from engaging in any discussion with other Board or Committee members that takes place outside the formal Board or committee decision making process and that is intended to influence the decisions that the Board or a committee makes on matters that come before it.*

**CARRIED.**

*N. Madhvani returned to the meeting at 4:25 p.m.*

Paul Le Vay, acting as facilitator, relayed the Board's findings. N. Madhvani was informed that the Board had determined breaches of both Section 6 and Section 5 of the Code of Conduct.

Following this, K. Schulz was invited to make submission regarding appropriate sanctions.

N. Madhvani was then invited to make submissions in response. During his submissions, N. Madhvani verbally declared his intention to resign from the Board and subsequently left the meeting.

*N. Madhvani left the meeting at 4:31 p.m.*

The Board proceeded to discuss the appropriate course of action regarding sanctions considering N. Madhvani had verbally expressed his intention to resign. Recognizing N. Madhvani's status as a public appointee, the Board acknowledged its limited authority to remove him from the Board.

It was resolved that N. Madhvani would be removed from his position as the Board Chair. The Board further directed that, if a formal written resignation was not received from N. Madhvani within a specified time, the Registrar would request that the Minister of Health remove N. Madhvani from the Board, recognizing that as a public appointee only the Minister has the authority to enforce such an action.

### **Motion 9.3**

It was moved by M. Heller and seconded by C. Baxter that:

Having determined that Nitin Madhvani breached the Code of Conduct, the Board imposes the following sanction:

- Remove Nitin Madhvani as the Chair of the Board, and from the Executive Committee

Having received Mr. Madhvani's verbal intention to resign from the Board during the meeting, if a written resignation is not received by 2:00 p.m. December 10, 2024, then the Board imposes the following sanction:

- Request that the Minister remove Nitin Madhvani from the Board.

### **CARRIED.**

The Board recessed at 5:12 p.m. to reconvene at 9:00 a.m. on Tuesday, December 10, 2024.

**Tuesday, December 10, 2024**

K. Schulz reconvened the meeting at 9:02 a.m. on December 10, 2024.

Following the reconvening of the meeting, the Board acknowledged that the Vice-Chair has now assumed the role of Chair due to the motion to remove N. Madhvani as Chair. It was noted that the Vice-Chair position had become vacant as a result and would require a special election to be filled. A virtual meeting for this election will be scheduled in January, with staff reaching out to solicit expressions of interest.

### **10.0 Motion to go in camera pursuant to section 7.2(d) of the Health Professions Procedural Code**

#### **Motion 10.0**

It was moved by D. Ng and seconded by R. O'Brien that:

The Board moves in-camera pursuant to section 7.2(d) of the Health Professions Procedural Code.

**CARRIED.**

The Board entered an in-camera session at 9:06 a.m. and returned to the open session at 10:00 a.m. It was noted that there were no decision items to be recorded publicly.

### **11.0 Review of College Investments**

The Board reviewed the College's investments as part of its ongoing financial oversight. C. Roxborough provided the Board with an educational primer on the College's investment strategy, emphasizing the organization's approach to managing cash flow, short-term operating needs, and long-term reserves.

B. Quinn of RBC Dominion Securities presented a detailed analysis of the College's investment portfolio, which is composed entirely of fixed income instruments with the highest credit ratings. B. Quinn provided an overview of the market environment, inflation trends, and interest rate movements, explaining how these factors impact the College's portfolio. The session concluded with assurances that the current portfolio is aligned with the College's financial objectives and provides a stable foundation for its reserves.

## **12.0 Priorities and Initiatives for FY2025-2026**

C. Roxborough and J. Huang provided an update on the development of the 2025-2026 Operational Plan, highlighting proposed strategic priorities for the year ahead.

The Board reviewed the proposed initiatives, expressing overall support for the priorities and their alignment with the strategic plan. The Board provided feedback and sought further clarity on specific areas, including EDI standards for physiotherapists and the consideration of vulnerable populations in planning.

## **13.0 FY2025 Q2 Financial Report**

M. Catalfo, Director, Finance, presented the College's Q2 Financial Report, providing an overview of the current financial position and ongoing efforts to improve financial management practices. These initiatives include standardizing processes, reducing manual tasks, and automating workflows to enhance the reliability and timeliness of financial reporting.

The Board discussed the timeline for an internal controls review, which is planned for the end of March 2025, following preparations for the fiscal year-end audit. This timing is intended to ensure the College is well-prepared, reducing costs and improving efficiency.

## **14.0 FY2026 Professional Corporation Fees – Consultation Results**

At their September 2024 meeting, the Board approved in principle a 2% increase for professional corporation fees in FY2026. This increase is in line with a historical increase to all other registration and administrative fees in FY2025. This adjustment was proposed to correct an oversight from the prior year when other registrant and administrative fees were increased, but fees for professional corporations were unintentionally omitted. The proposed increase aims to align professional corporation fees with the fee adjustments approved in December 2023. The associated By-law changes were circulated for a 60-day consultation period. C. Roxborough reported that there was no feedback during the consultation period.

### **Motion 14.0**

It was moved by G. Rehan and seconded by R. O'Brien that:

The Board approves the By-law changes to Section 9.2 to increase professional corporation fees by 2% on April 1, 2025.

**CARRIED.**

D. Ng. abstained.



## **15.0 Appointment of the Auditor**

In keeping with the By-law requirements, the Board was asked to consider the appointment of the Auditor for the Fiscal Year 2024-2025 Audit.

### **Motion 15.0**

It was moved by M. Vanwart and seconded by M. Heller that:

The Board appoints Hilborn LLP as the Auditor for the College of Physiotherapists of Ontario for the fiscal year 2025.

**CARRIED.**

## **16.0 Update to Signing Officers Policy and Related By-laws**

C. O’Kelly, Governance Specialist, presented minor housekeeping amendments to the Signing Officers Policy and College By-laws.

### **Motion 16.0**

It was moved by M. Heller and seconded by G. Rehan that:

The Board approves the amendments to the College By-laws and Policy 4.2: Signing Officers.

**CARRIED.**

## **17.0 Committee Slate Amendment**

### **Motion 17.0**

It was moved by M. Vanwart and seconded by R. O’Brien that:

The Board approves the following amendment to the Committee Slate:

- Appoint Mark Heller to the Quality Assurance Committee

**CARRIED.**

## **18.0 Strategy: Environmental Scan Update**

J. Huang provided updates from the environmental scan, which was conducted in response to the Board’s earlier direction in September. At the meeting, the Board participated in small group discussions to reflect on the overarching questions and share their perspectives on the

College's strategic direction. These reflections will help shape the ongoing process of refreshing the strategic plan.

Following the discussions, the Board reaffirmed its earlier direction for staff to lead the process of refreshing the current strategic plan. This process will include assessing progress made under the existing plan, identifying areas for improvement, and incorporating feedback from the Board to ensure the plan remains relevant and responsive to the College's mandate.

*D. Ng left the meeting at 1:47 p.m.*

## **19.0 General Regulation Modernization**

M. Berger, Director Policy, Governance & General Counsel, and E. Ermakova presented an overview of draft revisions to the General Regulation, Ontario Regulation 532/98 under the *Physiotherapy Act, 1991*. The Board was asked to provide direction on proposed amendments to O. Reg 532/98 General, which are being drafted to provide the College with greater flexibility to adapt as the examination landscape evolves.

The Board deliberated on the Provisional Practice class, particularly in light of the planned transition to a single-entry exam model. Concerns were raised that in the absence of a two-step examination process, there would be insufficient measures in place to ensure those entering the class had the necessary competencies to practice safely. Noting the importance of ensuring public safety, the Board determined that maintaining the Provisional Practice class under a singular exam model would constitute too high of a risk and directed staff to sunset the class if the new examination model is adopted.

Regarding the Limited Scope class, the Board discussed its potential to address barriers for internationally educated physiotherapists entering the system. Concerns about public safety risks and the absence of an objective mechanism to evaluate readiness for practice were significant. As a result, the Board directed staff not to pursue the Limited Scope class further.

Staff will incorporate the Board's feedback into the draft revisions to the General Regulation. The revised draft will be brought back to the Board for further review and approval for consultation.

## **20.0 Adjournment of Meeting**

G. Rehan moved that the meeting be adjourned. The meeting was adjourned at 2:59 p.m.



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Katie Schulz, Chair