



Special Meeting of Council

Thursday, August 27, 2020 3pm – 4pm EST

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Jill Langford, RDT
Derrick Ostner, RDT
George Paraskevopoulos, RDT

Terence Price, Public, **President**
David Savioli, RDT
Robert Shawyer, Public
Poonam Singh, Public
Clark Wilson, RDT

Staff:

Judy Rigby-Registrar/CEO
Safyia Mohammed- Recorder
Hilary Leung

	AGENDA	SPEAKER	ACTION	PAGE No.
Special Meeting of Council called by the President on August 13 th , 2020 via email.				
1.	Call to Order	Chair		
2.	Approval of the Agenda	Chair	Motion	
3.	Conflict of Interest Declaration	Chair		
4.	Registration Committee Update	D. Choi	Verbal Report	
5.	Memorandum of Understanding (MOU) 5.1 Briefing Note – MOU 5.2 Appendix 1: CADTR Presentation 5.3 Appendix 2: Legal Counsel Letter (Confidential for Council only) 5.4 Appendix 3: ADT SC Decision Chart (Confidential for Council only) 5.5 Appendix 4: MOU Agreement Draft (Confidential for Council only)	Chair	Discussion Motion	
6.	Next Meeting Dates September 26 th , 2020	Chair		
7.	Meeting Adjournment	Chair	Motion	



Council Report

Date Report Authored: August 19, 2020

SUBJECT: **Memorandum of Understanding**

PREPARED BY: Judy Rigby (CEO/Registrar)

Public: ☒

In-Camera: ☐

Action: **Information**

Decision

☒

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RECOMMENDATION(S):

- 1) THAT the report dated August 19, 2020 entitled "Memorandum of Understanding" be received;
- 2) AND THAT Council approve the final draft of the Memorandum of Understanding (MOU) between the Canadian Alliance of Dental Technology Regulators (CADTR) and the College of Dental Technologists of Ontario (CDTO), pending minor wording modifications approved by the CADTR Board of Directors (the "CADTR Board");
- 3) AND THAT Council authorizes the Registrar to sign the MOU on CDTO's behalf.

PURPOSE:

The purpose of this report is to review the Services that CADTR will provide on behalf of CDTO to applicants seeking credentialing and competency assessments, which are non-exemptible registration requirements for practicing dental technology in Ontario, and to seek approval of the MOU between CADTR and CDTO.

BACKGROUND:

CADTR identified several emerging issues that would compromise the ability of dental technology regulators to carry out their mandate "to serve and protect the public interest" effectively. An environmental scan showed that there are fewer than 2,000 dental technologists in Canada and growing concerns about supply shortages for qualified dental technologists/technicians. CADTR was awarded funding from the Government of Canada's Foreign Credential Recognition Program to lead a pan-Canadian initiative aimed at reducing barriers to employment in dental technology for internationally trained workers, and to ensure that Canada has the educated and skilled workforce needed to meet demand amid growing concerns about supply shortages for qualified dental technologists/technicians.

The ADT project is a multi-year project that will impact multiple systems, programs, entities, and jurisdictions while requiring close collaboration amongst partners to develop and implement the necessary changes to provincial business processes and service delivery models. CADTR has secured additional federal funding through the Employment and Social Development Canada (ESDC) for the project, which was launched in November 2017 and will continue to October 2020.

In order to fully achieve the objectives of the ADT project in developing national and harmonized pathways and tools to support applicant registration at a provincial level, every provincial regulator committed in writing to supporting and advancing the ADT Project as outlined in the Project Charter, which took effect April 2, 2019.

In accordance with the Project Charter, the CADTR Board delegated project oversight and decision-making to the ADT Project Steering Committee (SC), including responsibility for developing the governance framework and making recommendations to the CADTR Board for program and policy approval.

Further on in the project, the SC and CADTR Board members identified that additional benefits for Regulators and applicants could be achieved if CADTR provided the credentialing and assessment services on behalf of the Regulators. Working within the legislative constraints of each Regulator, the CADTR Board has approved the services, processes, tools, policies, operating budget and applicant/candidate fee schedule that will meet the Regulators' expectations and requirements for these services.

The CADTR Board retained legal counsel J. Risk, WeirFoulds, to draft an MOU between CADTR and the Regulators, setting out mutually acceptable expectations in administering these services. With feedback from Regulators and the SC, a final draft of the MOU was presented and passed at the CADTR Board meeting on July 14th, 2020.

In order to implement the services and deliverables identified in the ADT Project Charter, all Regulators are asked to sign the MOU.

CURRENT STATUS:

The finalized MOU was distributed by the CADTR Board for each Regulator's own legal counsel to review. E. Richler, CDTO legal counsel, provided input on the MOU (Appendix 2). These recommendations were reviewed by the SC at the August 11th, 2020 meeting with further feedback (Appendix 3). The MOU has also been officially translated into French for Quebec and their review has been completed with feedback. British Columbia and Alberta's legal review is still currently underway, while New Brunswick, Nova Scotia, and Saskatchewan will defer to input from other Regulators. All of the Regulators' Councils are asked to review and approve the MOU for their respective organizations following the townhall presentation on August 21st, 2020 (Appendix 1).

OPTIONS/ FOR DISCUSSION:

Council is asked to review the MOU (Appendix 4) and:

1. Approve the MOU, or

2. Approve the MOU, with suggested changes to be made by CADTR legal counsel, or
3. Not approve the MOU and require significant changes to be brought back to a future Council meeting for review

FINANCIAL CONSIDERATIONS: N/A

HUMAN RESOURCES CONSIDERATIONS: N/A

RISK CONSIDERATIONS: N/A

ACCESSIBILITY CONSIDERATIONS: N/A

BUSINESS UNITS CONSULTED: N/A

ALIGNMENT WITH STRATEGIC PRIORITIES/ OBJECTS OF COLLEGE: Aligns with the College's Strategic Plan

ATTACHMENTS:

Appendix 1 – CADTR Townhall Presentation

Appendix 2 – CDTO Legal Counsel Letter (Confidential for Council only)

Appendix 3 – ADT SC Decision Feedback Chart (Confidential for Council only)

Appendix 4 – Memorandum of Understanding (MOU) (Confidential for Council only)

Appendix 1: CADTR Townhall Presentation August 21, 2020 Memorandum of Understanding

Memorandum of Understanding (MOU)

Why do we need an MOU?

What is the nature of the MOU?

- Shared intent
- Legal status
- Acknowledging commonalities and differences
- Flexibility

Building and maintaining a
productive relationship

Memorandum of Understanding (MOU)

Key Aspects

Reciprocal: both parties have commitments (next few slides identify those).

Scope and services (section 3): evaluation of credentials and assessment of competency. (Next slide explains approach to services.)

Responsibility of regulator is unchanged. It remain accountable for registration decisions (subsection 2.2).

Relationship management (section 11): the rules and expectations of engagement and interaction

- Collaborative approach
- Communication
- Representing the other party

Memorandum of Understanding (MOU) Services

Services are set out in section 3 and generally cover evaluation of credentials and assessment of competency.

- Key deliverables (3.2)
- CADTR assurances (3.3)
 - Professional standard
 - Compliance with law, including governing, fair registration and human rights laws
- Benchmarking and remediation (3.4, 3.5 and 3.6)
- Annual, ad hoc and assessment reporting (section 6)

CADTR to develop and maintain policies and procedures relating to the services (3.8), for example:

- Accommodation and inaccessible documents
- Reconsideration and appeals
- Fraud
- Privacy and data security

Memorandum of Understanding (MOU) Commitments

MOU is reciprocal. Both parties have obligations:

- CADTR delivers services consistent with assurance and standards
- Regulator commitments (below)
- Both parties comply with the pragmatic and collaborative spirit of the MOU

Regulator commitments (section 4)

- Use CADTR for services exclusively (4.1)
- Refer applicants to CADTR website (subject to unique registration process) (4.2)
- Be a constructive and informed consumer by providing feedback on services and contributing to improving the services through governance channels (4.3)
- Respond to potential call for financial support (5.1 (more detail on next slide)

Memorandum of Understanding (MOU)

Financial

CADTR is responsible for the costs relating to the administration and delivery of the services (5.1).

... Subject to extraordinary circumstances (e.g. pandemic or legislative change or unexpected decrease in demand) that may require financial contributions from CADTR members (5.2).

CADTR will charge applicants fees on a cost-recovery basis with fees set by the CADTR board or directors (5.1).

Memorandum of Understanding (MOU)

Term & termination

Termination (section 8) must be in writing with 1 year notice. Mandatory resolution process before termination (8.1). But parties may agree to terminate at any time.

Possible reasons for termination: dissolution, termination of membership, membership continues without service relationship.

What if a CADTR member is reorganized or “amalgamated”? Assignment of MOU requires advance written consent (14.1 & 14.2). MOU does not preclude a change of control.

Memorandum of Understanding (MOU)

Service continuity

Risk management: service continuity and responding to change

- Regulator is both corporate member and customer (service recipient)
- Flexibility built into MOU (avoid rigidity)
- MOU relationship management provisions and CADTR governance process
- Service continuity (8.4 & 8.5):
 - Non-MOU service terms apply to application after notice of termination date and to applications from non-members or non-participating members

Memorandum of Understanding (MOU)

Next Steps

1. Final draft MOU approved by CADTR Board has been sent to all corporate members to consult with their legal counsel
2. Regulator legal opinion and comments will be provided to the Council/Board for consideration, discussion and finally approval
3. The ADT Steering Committee will consider input from all regulators and make final revision
4. Council/Board Approval
5. CADTR services can launch after we have 7 signatures

Appendix 2 – Legal Counsel Letter

Confidential – not provided on the basis of Sec. 7(2)(e) of the Health Professions
Procedural Code

Appendix 3 – ADT SC Decision Chart

Confidential – not provided on the basis of Sec. 7(2)(e) of the Health Professions
Procedural Code

Appendix 4 – MOU Agreement Draft

Confidential – not provided on the basis of Sec. 7(2)(e) of the Health Professions
Procedural Code