



**CONSOLIDATED REGULATIONS,
INCLUDING AMENDMENTS,
UNDER THE *OPTICIANRY ACT, 1991***

AS OF FEBRUARY 19, 2000

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REGULATION MADE UNDER THE OPTICIANRY ACT, 1991, on Dec. 31, 1993

EXAMINATIONS

1. (1) The Council shall conduct or cause to be conducted examinations for registration candidates at least once a year, and shall fix the time and place of the examinations.
- (2) The examinations each year shall consist of a maximum of ten sections.
- (3) No examination questions shall be submitted to a candidate for examination until it has been approved by the Council.
2. A person may apply to take the Council's examinations by submitting an application to the Registrar in the form supplied by the Council and paying the required fee.
3. It is a requirement for eligibility to take the Council's examinations that,
 - (a) the applicant must be a registered intern optician who has completed at least 1,000 hours of verified dispensing experience; or
 - (b) the applicant must be a person who has been ordered to take and pass the Council's examinations by the Registration Committee as a condition of being registered as a registered optician.
4. A candidate for examination who has taken the Council's examinations and who wishes to have his or her results reviewed by the Registration Committee is entitled to such a review upon payment of the required examination review fee.
5. (1) A candidate who fails one or more sections of the examination shall be entitled to no more than two supplemental attempts to pass each of the sections failed.
- (2) Further supplemental attempts will require proof of remediation and upgrading in accordance with policy guidelines issued by the Registration Committee.
6. This Regulation comes into force on the day section 2 of the Act comes into force.

**REGULATION 828/93 MADE UNDER THE OPTICIANRY ACT, 1991, on Dec. 31, 1993
(amended by O.Reg. 216/94, March, 1994)**

PROFESSIONAL MISCONDUCT

1. The following are acts of professional misconduct for the purposes of clause 51 (1) (c) of the Health Professions Procedural Code:

The Practice of the Profession and the Care of, and Relationship with, Patients

1. Contravening a term, condition or limitation imposed on the member's certificate of registration.
2. Contravening a standard of practice of the profession.
3. Doing anything to a patient for a therapeutic, preventative, palliative, diagnostic, cosmetic or other health-related purpose in a situation in which a consent is required by law, without such a consent.
4. Delegating a controlled act unless the delegation is authorized by the regulations.
5. Permitting, counselling or assisting anyone who is not registered under the Act to perform an act which should be performed by a member.
 - 5.1. Permitting, counselling or assisting a registered student optician or a registered intern optician to dispense subnormal vision devices, contact lenses or eye glasses, except under the supervision or direction of a registered optician who is physically present in the place where the dispensing takes place, at the time it takes place.
6. Abusing a client, verbally or physically.
7. Practising the profession while the member's ability to do so is impaired by any substance.
8. Discontinuing professional services contrary to the terms of an agreement between the member and a patient unless,
 - i. the patient requests the discontinuation,

- ii. alternative services are arranged, or
 - iii. the patient is given a reasonable opportunity to arrange alternative services.
9. Practicing opticianry while the member is in a conflict of interest.
 10. Giving information about a patient to a person other than the patient or his or her authorized representative except with the consent of the patient or his or her authorized representative or as required or allowed by law.
 11. Making false or derogatory statements about a member to any person.
 12. Dispensing a contact lens to a patient, other than for diagnostic or emergency purposes, which the member knows, or ought to know, is not a new contact lens.
 13. Failing to refer a patient to a registered physician when the member recognizes, or ought to recognize, a condition of the eye or adnexa that appears to require medical examination.
 14. Failing to advise a patient or a member of the public, when requested, as to the procedure for submitting a complaint to the College.
 15. Failing to supply in writing, when requested by a patient or a member of the public, the address and telephone number of the College.
 16. Failing to reply without sufficient reason to a registered letter from the College.

Representations About Members and their Qualifications

17. Inappropriately using a term, title or designation in respect of the member's practice.
18. Using a term, title or designation indicating or representing that the member has a specialization in the practice of opticianry which the member does not hold.
19. Using a name other than the member's name, as set out in the register, in the course of providing or offering to provide services within the scope of practice of opticianry.

20. Failing to maintain records as required by the regulations.
21. Falsifying a record relating to the member's practice.
22. Failing, without reasonable cause, to provide a report or certificate relating to an examination or treatment performed by the member, within a reasonable time, to the patient or his or her authorized representative, after a patient or his or her authorized representative has requested such a report or certificate.
23. Signing or issuing, in the member's professional capacity, a document that the member knows or ought to know contains a false or misleading statement.

Business Practices

24. Submitting an account or charge for services that the member knows or ought to know is false or misleading.
25. Failing to specify in an account the selling price of subnormal vision devices, eye glasses or contact lenses, if requested to do so by the patient, or by the person or agency who is to pay, in whole or in part, for them.

Miscellaneous

26. Contravening any provision of the Act, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts.
 27. Contravening a federal, provincial or territorial law, a municipal by-law or a by-law or rule of a hospital within the meaning of the Public Hospitals Act if,
 - i. the purpose of the law, by-law or rule is to protect public health, or
 - ii. the contravention is relevant to the member's suitability to practice.
 28. Engaging in conduct or performing an act, in the course of practicing opticianry that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.
 29. Advertising or permitting advertising with respect to the member's practice in contravention of the regulations.
2. This Regulation comes into force on the day section 2 of the Act comes into force.

**REGULATION 869/93 MADE UNDER THE OPTICIANRY ACT, 1991, on Dec. 31, 1993
(amended by O.Rea. 398/94, 481/99 and 59/00)**

REGISTRATION

Classes

1. The following are prescribed as classes of certificates of registration:

1. Registered opticians.
2. Registered student opticians.
3. Registered intern opticians.

General

2. (1) A person may apply for the issue of a certificate of registration by submitting an application to the Registrar together with the application fee and two passport-sized colour photographs of the applicant, signed by the applicant on the reverse.
 - (1.1) An applicant for the issue of a certificate of registration as a registered optician must submit evidence of professional liability insurance, unless the applicant is exempt under subsection 8 (3).
3. (1) A certificate of registration shall be surrendered to the Registrar upon revocation.
 - (2) A duplicate copy of a certificate of registration shall be issued by the Registrar only upon the provision of written documentation that the original has been lost, stolen, or destroyed, and upon payment of the required fee.
4. (1) The following are registration requirements for a certificate of registration of any class:
 1. The applicant must provide details of any of the following that relate to the applicant,
 - i) a conviction for a criminal offence or an offence related to the regulation of the practice of opticianry,

- ii) a finding of professional misconduct, incompetence or incapacity, in Ontario in relation to another health profession or in another jurisdiction in relation to opticianry or another health profession,
 - iii) a current proceeding for professional misconduct, incompetence or incapacity, in Ontario in relation to another health profession or in another jurisdiction in relation to opticianry or another health profession.
 - 2. The applicant must be a Canadian citizen or a permanent resident of Canada or authorized under the Immigration Act (Canada) to engage in the practice of the profession.
 - 3. The applicant must be able to speak and write either English or French with reasonable fluency.
 - 4. The applicant must pay the required registration fee for the issue of a certificate of registration.
- (2) The following are conditions of a certificate of registration of any class:
- 1. The member shall provide the College with details of any of the following that relate to the member and that occur or arise after the registration of the member,
 - i) a conviction for a criminal offence or an offence related to the regulation of the practice of opticianry,
 - ii) a finding of professional misconduct, incompetence or incapacity, in Ontario in relation to another health profession or in another jurisdiction in relation to opticianry or another health profession,
 - iii) a proceeding for professional misconduct, incompetence or incapacity, in Ontario in relation to another health profession or in another jurisdiction in relation to opticianry or another health profession.
 - 2. The member shall prominently display his or her certificate of registration, affixed with the current College renewal validation decal, at the principal location where he or she practices opticianry or, in the case of a registered student optician or a registered intern optician, shall carry on his or her person at all times when engaged in the practice of opticianry, his or her registration card supplied by the Registrar.

3. The member shall wear a current photographic identification badge, supplied by the Registrar, prominently displayed, affixed with the current College renewal validation decal, at all times when engaged in the practice of opticianry.
4. The certificate of registration of a member is revoked if the member ceases to be a Canadian citizen or a permanent resident of Canada or ceases to be authorized under the Immigration Act (Canada) to engage in the practice of the profession.

Certificate of Registration as a Registered Optician

5. (1) The following are non-exemptible registration requirements for a certificate of registration as a registered optician:
 1. The applicant must,
 - i) have successfully completed and graduated from an Ontario opticianry program approved by the Ministry of Training, Colleges and Universities at an institution set out in the Schedule,
 - ii) have successfully completed and graduated from a program which is deemed equivalent to a program referred to in subparagraph i in accordance with the policy guidelines of the Registration Committee, or
 - iii) in the case of an applicant who does not meet the requirements of subparagraph i or ii or who cannot provide documentary evidence of meeting those requirements, satisfy the Registration Committee that he or she has a level of knowledge and skill in the practice of opticianry that is equivalent to that acquired by graduates of the programs referred to in subparagraphs i and ii and,
 - A. be licensed or registered to dispense eye glasses, contact lenses and subnormal vision devices in a jurisdiction outside Canada and be in good standing with the licensing or registering body of that jurisdiction, or
 - B. be engaged in the practice of dispensing eye glasses, contact lenses and subnormal vision devices in a jurisdiction outside Canada in which no license or certificate of registration is required to do so and be in good standing with a professional association' in that jurisdiction which requires compliance with professional standards.

2. The applicant must have achieved a passing mark in each section of the College's examinations, or must have successfully completed examinations which are deemed equivalent to the College's examinations by the Registration Committee.
3. The applicant must have completed at least 1,000 hours of verified dispensing experience.
 - (1.1) For the purposes of ascertaining whether the level of knowledge and skill of an applicant referred to in subparagraph 1 of subsection (1) is equivalent to that acquired by graduates of a program referred to in subparagraph 1 i or ii of that subsection, the applicant shall undergo an assessment of his or her prior learning and experience.
 - (2) The following are exemptible registration requirements for a certificate of registration as a registered optician:
 1. The applicant must be registered at the time of application as a student optician or intern optician.
 2. The applicant must have completed, and must present evidence of a least 250 eye glasses fittings, including 100 multi-focal fittings and twenty-five high myopic or hyperopic fittings, under the supervision or direction of an optician, an optometrist or an ophthalmologist.
 3. The applicant must have completed, and must present evidence of, at least twenty contact lens fittings, including at least five rigid gas permeable (RGP) contact lens fittings, under the supervision or direction of an optician who is certified in the fitting of contact lenses or an optometrist or an ophthalmologist.
 - (2.1) Despite subsections (1) and (2), an applicant may be issued a certificate of registration as a registered optician if, at the time he or she applies for a certificate, the applicant is licensed or registered by a statutory regulatory authority in a province or territory of Canada other than Ontario to dispense eye glasses, contact lenses and subnormal vision devices in that province or territory and is in good standing with that regulatory authority.
 - (3) It is a condition of a certificate of registration as a registered optician that the member dispense subnormal vision devices, contact lenses or eye glasses, only if he or she has met the requirements of the College's Quality Assurance Program.

- (4) The conditions of registration of a certificate of registration as a registered optician issued to a person under subsection (2.1) include the terms, conditions and limitations imposed on the license or certificate of registration issued to the applicant by the statutory regulatory authority in the other province or territory.
- (5) No member other than a member who holds a certificate of registration as a registered optician may use the title "Registered Optician" or the abbreviation "RO".

Certificate of Registration as a Registered Student Optician

6. (1) It is a non-exemptible registration requirement for a certificate of registration as a registered student optician that the applicant meet one of the following qualifications:
 1. The applicant is enrolled in an Ontario opticianry program approved by the Ministry of Training, Colleges and Universities at an institution set out in the Schedule.
 2. The applicant, having applied for a certificate of registration as a registered optician or as a registered intern optician, is in the process of completing additional training, as ordered by a panel of the Registration Committee under subsection 18 (2) of the Health Professions Procedural Code.
- (2) The following are conditions of a certificate of registration as a registered student optician:
 1. The registered student optician shall dispense subnormal vision devices, contact lenses or eye glasses, only under the supervision or direction of a registered optician who is physically present in the place in which the dispensing takes place at the time it takes place, and who checks and approves the dispensing and verifies such approval on the patient health record.
 2. The registered student optician shall be enrolled in an opticianry program referred to in paragraph 1 of subsection (1) or shall be in the process of completing additional training as ordered by a panel of the Registration Committee under subsection 18 (2) of the Health Professions Procedural Code.

3. The certificate of registration of a registered student optician who has been registered pursuant to subsection (1.1) of section 6 is revoked if he or she ceases to be engaged in the additional training specified by the Registration Committee
- (3) The Registrar shall revoke the certificate of registration of a registered student optician if the student is no longer enrolled in an opticianry program referred to in paragraph a) of subsection (1) or is no longer undertaking the additional training referred to in paragraph b) of subsection (1).

Certificate of Registration as a Registered Intern Optician

7. (1) The following are non-exemptible registration requirements for a certificate of registration as a registered intern optician:
 1. The applicant must either,
 - i) have successfully completed and graduated from an opticianry program referred to in subparagraph a) i) or ii) of subsection 5 (1) or meet the requirements of subparagraph a) iii) of subsection 5 (1), or
 - ii) having applied for a certificate of registration as a registered optician and been required by an order made by the Registration Committee under subsection 18 (2) of the Health Professions Procedural Code to complete additional training or specified examinations, or both, have completed the additional training, if any, but not have completed the examinations.
 2. The applicant must provide a written declaration that he or she is engaged, or intends to be engaged, in the practice of opticianry in Ontario.
- (2) The following are conditions of a certificate of registration as a registered intern optician:
 1. The registered intern optician shall dispense subnormal vision devices, contact lenses or eyeglasses only under the supervision or direction of a registered optician who is physically present in the place in which the dispensing takes place at the time it takes place.
 2. The registered intern optician shall be eligible for the examinations or supplemental examinations set by the College.

- (3) The Registrar shall revoke the certificate of registration of a registered intern optician if the intern ceases to be eligible for the examinations or supplemental examinations set by the College or fails to successfully complete the examinations required by an order made by the Registration Committee under subsection 18 (2) of the Health Professions Procedural Code.

Liability Insurance

8. (1) All registered opticians shall have professional liability insurance containing coverage of not less than \$1,000,000.
- (2) It shall be a requirement for the issue, renewal or reinstatement of a certificate of registration of a registered optician, that the applicant provide documentary evidence, at the time the application form supplied by the Registrar is submitted, of,
 - (a) current membership in a professional association that provides protection against professional liability; or
 - (b) professional liability insurance obtained from some other source, containing coverage of not less than the limit set out in subsection (1) .
- (3) An applicant for the issue, renewal or reinstatement of a certificate of registration as a registered optician shall be exempt from the requirements of subsections (1) and (2) if, at the time of submitting the application form, the applicant provides the Registrar with a written undertaking that until his or her certificate is next renewed he or she will neither engage in the practice of opticianry nor supervise or direct a registered student optician or a registered intern optician.
- (4) Breach of an undertaking referred to in subsection (3) shall be an act of professional misconduct for the purposes of clause 51 (1) (c) of the Health Professions Procedural Code.
- (5) A registered optician shall be entitled to engage in the practice of opticianry before the expiry of an undertaking provided under subsection (3) if he or she,

- (a) submits to the Registrar the documentary evidence referred to in subsection (2); and
- (b) complies with subsection (1).

Annual Renewal

9. (1) A certificate of registration shall be renewed on or before,
- (a) December 31 of each year in the case of registered opticians; and
 - (b) September 1 of each year in the case of registered student opticians and registered intern opticians.
- (2) The Registrar shall supply and send by mail to each member, at the member's last address as shown on the register, an application for renewal of the certificate of registration in a form to be supplied by the Registrar, on or before,
- (a) October 31 of each year in the case of registered opticians; and
 - (b) July 1 of each year in the case of registered student opticians and registered intern opticians.
- (3) A member may apply for the renewal of a certificate of registration by returning to the Registrar,
- (a) a completed application;
 - (b) the required annual fee; and
 - (c) in the case of a registered optician, evidence of insurance.
- (4) An application for renewal made five years after initial registration and every five years thereafter shall include two passport-sized colour photographs of the applicant, signed on the reverse.
- (5) It shall be a condition of the renewal of the certificate of registration of a registered optician that he or she have participated in, and fulfilled the requirements of, the College's Quality Assurance Program.

- (6) A registered student optician shall be entitled to a maximum of four renewals of a certificate of registration as a registered student optician, and a registered intern optician shall be entitled to a maximum of one renewal of a certificate of registration as a registered intern optician, after which the certificate of registration will be automatically revoked.
- (7) Despite subsection (6), the Registrar may grant up to two additional renewals to,
 - (a) a registered student optician for the purpose of completion of the educational program required for registration as a registered optician;
 - (b) a registered intern optician for the purpose of completion of supplemental examinations; and
 - (c) a registered student optician or registered intern optician in circumstances caused by accident, illness or other cause beyond his or her control.
- (8) To be eligible for renewal of his or her certificate of registration, a registered student optician must continue to meet the non-exemptible registration requirements for a certificate of registration as a registered student optician, set out in subsections 6(1) or (a), as the case may be.
- (9) The Registrar shall issue renewal validation decals to a member whose certificate of registration is renewed under this section.
- (10) Each member shall affix a renewal validating decal to his or her certificate of registration and photographic identification badge.

Late Renewal

10. If a member fails to apply to renew his or her certificate of registration or to pay the required annual fee prior to the deadline for so doing, the member shall pay the required fee for late renewal in addition to the annual fee.

Suspension

11. (1) The Registrar shall give a member notice of default and of intention to suspend a member's certificate of registration upon

- (a) failure to apply to renew a certificate of registration;
 - (b) failure to pay the required annual fee or any other required fee; or
 - (c) failure to meet the requirements for renewal of the certificate of registration set out in subsections 9 (5) , (6) and (7)
- (2) The Registrar may suspend a member's certificate of registration two months after notice is given under subsection (1).

Reinstatement

12. (1) A member whose certificate of registration has been suspended by the Registrar under section 11, may apply to the Registrar to lift the suspension by,
- (a) submitting an application for reinstatement in a form supplied by the Registrar;
 - (b) submitting two passport-sized colour photographs of the applicant, signed on the reverse;
 - (c) in the case of registered opticians, submitting evidence of insurance;
 - (d) submitting evidence of having completed the requirements of the College's Quality Assurance Program; and
 - (e) paying
 - (i) the fee the member failed to pay, if any, and
 - (ii) the required reinstatement fee or, if the application for reinstatement is made within ten months from the date of the suspension, the required fee for late renewal.
- (2) For the purposes of subclause (1) (e) (i) , if the member was suspended for failure to pay the annual fee, the member shall be reinstated if he or she pays the annual fee payable for the year in which the member is reinstated.
- (3) To be eligible for reinstatement, the applicant must meet the requirements for renewal of the certificate of registration set out in subsections 9(4), (5), 6 (7) and (8).

- (4) If the application for reinstatement is made within three years from the date of suspension of the member's certificate of registration, and the applicant has met the requirements of this section, the Registrar shall lift the suspension.
 - (5) An application for reinstatement made more than three years from the date of suspension shall be referred to the Registration Committee, which shall evaluate the applicant's qualifications and determine whether the applicant must meet any examination and Quality Assurance Program requirements in order to be reinstated.
 - (6) The Registrar shall issue renewal validation decals to a member who is reinstated under this section.
 - (7) Each member shall affix a renewal validation decal to his or her certificate of registration and photographic identification badge.
13. A member whose certificate of registration has been suspended for professional misconduct or incapacity shall pay all outstanding fees and fines before resuming the practice of opticianry.
 14. This Regulation comes into force on the day section 2 of the Act comes into force.

**ONTARIO REGULATION 530/98 MADE UNDER THE OPTICIANRY ACT, 1991, on
Oct. 2, 1998, AMENDING 0. Reg. 219/94 GENERAL**

**[NB: PART I WAS MOVED TO BY-LAWS ON SEPTEMBER 24, 1999, AS PER THE
RED TAPE REDUCTION ACT, 1998]**

PART II: ADVERTISING

6. An advertisement with respect to a member's practice or place of practice must not contain,
 - (a) anything that is false or misleading;
 - (b) anything that, because of its nature, cannot be verified;
 - (c) a claim of specialization, if the member does not hold a Specialty Certificate issued by the College; or,

- (d) the member's name or photograph, or other likeness, in an advertisement that implies, or could be reasonably interpreted to imply, that the professional expertise of the member is relevant to the subject matter of the advertisement if, in fact, it is not.

**ONTARIO REGULATION 530/98 made under the OPTICIANRY ACT, 1991
Made: July 23, 1998 Approved: September 30, 1998 Filed: October 2, 1998
Amending O.Reg. 219/94 (General)**

Note: Ontario Regulation 219/94 has not previously been amended.

- 1. Ontario Regulation 219/94 is amended by adding the following Parts:

PART III QUALITY ASSURANCE

GENERAL

- 7. In this Part,

"assessor" means an assessor appointed under section 81 of the Health Professions Procedural Code;

"Committee" means the Quality Assurance Committee;

"optician" means a member who holds a certificate as a registered optician.

- 8. The Committee shall administer the quality assurance program, which shall consist of the following components:
 - 1. Credits for continuing education, professional activities and dispensing.
 - 2. Peer assessment and professional improvement.
 - 3. Remediation of inappropriate behaviour and remarks of a sexual nature.
- 9. (1) Every optician shall participate in the quality assurance program and fulfill its requirements.

- (2) Every member is subject to the component of the quality assurance program referred to in paragraph 3 of section 8.

CREDITS

10.
 - (1) The Committee shall determine the number of credits to be assigned to a continuing education activity, a professional activity or dispensing activities.
 - (2) The College shall inform opticians on a regular basis of the number of credits assigned to particular continuing education activities, professional activities and dispensing activities.
 - (3) A continuing education activity includes attending courses, lectures, seminars and other similar activities approved by the Committee.
 - (4) A professional activity includes,
 - (a) teaching and research activities, including authoring articles, approved by the Committee; and
 - (b) membership on the Council or a committee of the College or on the executive of an opticianry-related professional association.
 - (5) Dispensing activities include dispensing that is verified in accordance with policy guidelines published by the College and distributed to opticians.
 - (6) An optician accumulates credits by submitting proof that is satisfactory to the Registrar of having successfully completed continuing education activities, professional activities and dispensing activities to which credits have been assigned.
11.
 - (1) An optician who was registered on or before December 31, 1997 shall meet the requirements relating to credits set out in this section.
 - (2) An optician who was first registered on or before December 31, 1993 shall accumulate at least 50 credits before December 31, 1998.
 - (3) An optician who was first registered in 1994 shall accumulate at least 40 credits before December 31, 1998.
 - (4) An optician who was first registered in 1995 shall accumulate at least 30 credits before December 31, 1998.

- (5) An optician who was first registered in 1996 shall accumulate at least 20 credits before December 31, 1998.
 - (6) An optician who was first registered in 1997 shall accumulate at least 10 credits before December 31, 1998.
 - (7) Subject to subsection (8) and section 15, credits accumulated with respect to a period are not transferable to any other period.
 - (8) An optician is entitled, on his or her request, to apply toward the number of credits to be accumulated under subsections (2) to (6) activities that he or she successfully completed on or after June 1, 1991 to which credits were assigned either by the Board of Ophthalmic Dispensers before December 31, 1993 or by the Committee between December 31, 1993 and the day this section comes into force.
 - (9) Every optician shall accumulate at least 30 credits between January 1, 1999 and December 31, 2001 and in each three-year period after that, beginning with the period starting January 1, 2002.
- 12.
- (1) An optician who is first registered on or after January 1, 1998 shall meet the requirements relating to credits set out in this section.
 - (2) An optician shall accumulate at least 30 credits in the three-year period starting on January 1 of the year following the year in which he or she is first registered and in each three-year period after that.
 - (3) An optician is entitled, at his or her request, to apply toward the 30 credits to be accumulated during the first three-year period activities that he or she successfully completed from the date he or she is first registered until the end of the calendar year in which he or she is first registered.
 - (4) Subject to subsection (3) and section 15, credits accumulated with respect to a period are not transferable to any other period.
- 13.
- (1) Subject to subsection (7), the rules set out in this section apply with respect to the accumulation of credits for the purposes of any relevant period referred to in sections 11 and 12.
 - (2) A minimum of eight credits shall be accumulated for continuing education activities in eye glasses practice.
 - (3) A minimum of eight credits shall be accumulated for continuing education activities in contact lens practice.
 - (4) An optician is not entitled to more than five credits for continuing education activities relating to general business activities.

- (5) An optician is not entitled to more than five credits for dispensing activities.
 - (6) An optician is not entitled to more than five credits for professional activities.
 - (7) In accumulating the 10 credits referred to in subsection 11 (6), an optician who was first registered in 1997 shall accumulate a minimum of four credits for continuing education activities in eye glasses practice and a minimum of four credits for continuing education activities in contact lens practice.
 - (8) An optician is only entitled to accumulate credits for a particular continuing education or professional activity once in any relevant period.
- 14.
- (1) No later than the last day of any relevant period, an optician shall submit to the Registrar proof satisfactory to the Registrar of having accumulated the required number and types of credits for the period, on a form provided by the Registrar.
 - (2) The Registrar shall mail a notice of default to any optician from whom he or she does not receive the required proof in time, at the optician's address on the register.
 - (3) The Registrar shall mail a notice of default to any optician who fails to accumulate the required number and types of credits within the relevant period, at the optician's address on the register.
 - (4) The notice of default shall state that the Registrar may, if so directed by the Committee, impose terms, conditions or limitations on an optician's certificate of registration for a specified period not exceeding six months if the optician fails, within 60 days after the date of the notice, to provide the required proof or accumulate the number and types of credits required.
 - (5) The Registrar may extend the 60-day period by up to 60 days at any time during the 60 days.
 - (6) If an optician fails to submit the proof required under subsection (1) within the time period specified in the notice of default, the Registrar shall refer the matter to the Committee and notify the optician that the Committee intends to direct the Registrar to impose terms, conditions or limitations on the optician's certificate of registration for a specified period not exceeding six months.
 - (7) An optician who receives a notice under subsection (6) may make written submissions to the Committee within 14 days of receiving the notice.

- (8) After considering the optician's written submissions, if any, the Committee may,
 - (a) grant an extension for a specified period -of time during which the optician shall provide the required proof of having accumulated the required number and types of credits;
 - (b) grant the optician an exemption from some or all of the requirements relating to credits; or
 - (c) direct the Registrar to impose terms, conditions or limitations on the optician's certificate of registration for a specified period not exceeding six months.

15. (1) Subject to the maximums set out in subsections 13 (4), (5) and (6), an optician who receives a notice of default or an extension from the Committee under clause 14 (8) (a) may apply any credits accumulated during the notice period or the period of the extension toward the required number and types of credits for the period to which the default relates.

- (2) Subject to the maximums set out in subsections 13 (4), (5) and (6), an optician whose certificate is subject to terms, conditions or limitations imposed under clause 14 (8) (c) may apply any credits accumulated during the period that such terms, conditions or limitations are in place toward the required number and types of credits for the period to which the imposition relates.

- (3) Any credits accumulated and applied under this section may only be applied once.

- (4) The Registrar shall inform the Committee of the fact that an optician whose certificate is subject to terms, conditions or limitations has failed, during the period that such terms, conditions or limitations are in place, to provide the Registrar with satisfactory proof that he or she has accumulated the required number and types of credits for the period to which the terms, conditions or limitations relate, in which case the Committee may refer the matter to the Executive Committee for further action.

16. The Registrar shall inform the Committee that an optician whose certificate is subject to terms, conditions or limitations has accumulated the required number and types of credits for the period to which the terms, conditions or limitations relate on receiving satisfactory proof to that effect and, on being so informed, the Committee may direct the Registrar to remove the terms, conditions or limitations.

PEER ASSESSMENT

17. (1) The purpose of peer assessment is to ensure that an optician continues to practise the profession competently and to adhere to its standards of practice.
- (2) Each year the Committee shall select at random the names of opticians required to undergo a peer assessment.
- (3) In addition, the Committee may select opticians to undergo peer assessments in accordance with the application of criteria established by the Committee and approved by Council that have been published and distributed to opticians.
- (4) An optician whose name is selected for peer assessment shall undergo a peer assessment of his or her practice by an assessor.
18. (1) The Registrar shall notify an optician whose practice is to be the subject of a peer assessment of the name of the assessor.
- (2) Upon being notified, the optician may request that the Committee appoint another assessor as long as the assessor has not started the assessment.
- (3) The Committee may appoint another assessor on receiving the request.
- (4) The optician may make only one request for a change of assessor.
19. (1) On completing the assessment, the assessor shall prepare a written report of the assessment.
- (2) When the report is complete, the assessor shall forward it to the Committee, along with copies of any relevant records, and provide a copy to the optician.
- (3) On receipt of the report, the Committee may take no further action or take one or more of the following actions:
 1. Recommend improvements in the optician's practice.
 2. Give the optician a reasonable opportunity to correct deficiencies in the practice identified through the peer assessment.
 3. If the optician's knowledge, skills and judgment are found to be deficient, direct the optician,

- i) to take and successfully complete a remedial or refresher course or courses designed or selected by the Committee in order to eliminate the deficiencies,
 - ii) to acquire particular instruments or equipment which, in the Committee's opinion, are usual or necessary in the practice of opticianry, or
 - iii) to obtain any other assistance that, in the Committee's opinion, is appropriate.
- (4) The Committee may appoint an assessor to carry out a further assessment to determine whether,
 - (a) the improvements recommended by the Committee under paragraph 1 of subsection (3) have been made; or
 - (b) the deficiencies in the optician's knowledge, skills or judgment have been corrected as directed by the Committee under paragraph 3 of subsection (3).
- (5) Subsections (1), (2) and (3) apply with respect to a further assessment.
- (6) Subject to subsection 20 (3), the Committee may direct the Registrar to impose terms, conditions or limitations on an optician's certificate of registration for a specified period not exceeding six months if the optician fails to take and successfully complete a course or courses required under subparagraph i of paragraph 3 of subsection (3).
- 20. (1) The Committee may direct the Registrar to impose terms, conditions or limitations on an optician's certificate of registration for a specified period not exceeding six months.
- (2) The Committee may make a direction under subsection (1) if a peer assessment or a further assessment has demonstrated that the knowledge, skills or judgment of the optician are deficient to the point that the optician's performance is unsatisfactory and the Committee believes that the deficiencies may expose the optician's patients to harm or injury.
- (3) Before directing the Registrar to impose any terms, conditions or limitations on an optician's certificate under subsection (1), the Committee shall,
 - (a) notify the optician of its intention to do so;
 - (b) provide the optician with all reports and other documents to be considered by the Committee;

- (c) offer the optician an opportunity to confer with the Committee; and
 - (d) inform the optician that he or she has 14 days in which to make written submissions.
- (4) If the Registrar imposes a term, condition or limitation on an optician's certificate of registration pursuant to a direction under subsection (1), the Committee may direct the Registrar to remove it before the end of the specified period if it is satisfied, on the basis of a further assessment carried out in accordance with section 19, that the optician's knowledge, skills and judgment are no longer deficient.
- (5) If, by the end of the specified period, the optician has failed to satisfy the Committee that his or her knowledge, skills and judgment are no longer deficient, the Committee may refer the matter to the Executive Committee for further action.

REMEDICATION OF BEHAVIOUR AND REMARKS OF A SEXUAL NATURE

21. (1) This section applies to matters referred to the Committee by,
- (a) a panel of the Complaints Committee under subsection 26 (3) of the Health Professions Procedural Code; and
 - (b) the Executive Committee, the Complaints Committee or the Board under section 79.1 of the Code.
- (2) Subject to subsection (7), the Committee may require a member with respect to whom a matter has been referred under subsection (1) to undergo a psychological assessment or another assessment specified by the Committee.
- (3) The Committee shall appoint an assessor to conduct the psychological or other assessment referred to in subsection (2), and the assessor shall prepare a written report for the Committee indicating the results.
- (4) On receiving the report, the Committee may require the member to undertake a specified measure, such as education, therapy or counselling, if the Committee is of the opinion, based on the report, that the specified measure will help the member to refrain from behaviour or remarks of a sexual nature.

- (5) If a member refuses to undergo an assessment under subsection (2) or to undertake a specified measure under subsection.
 - (4) or fails to complete the measure, the Committee may direct the Registrar to impose terms, conditions or limitations on the member's certificate of registration for a specified period not exceeding six months if,
 - (a) the member has been notified of the Committee's intention to give the direction;
 - (b) the member has been given a copy of all reports and other documents that the Committee has or will consider in connection with the giving of the direction at least 30 days before it is given; and
 - (c) the member has been given 30 days from receipt of the notice and documents under this section in which to make written submissions to the Committee.
 - (6) If the Registrar imposes terms, conditions or limitations on a certificate of registration under this section, the Committee may direct the Registrar to remove them before the end of the specified period if the Committee is satisfied that they are no longer needed.
 - (7) The Committee shall take action under this section only if,
 - (a) the member admits to the alleged behaviour or remarks;
 - (b) there is no pending allegation of sexual abuse against the member before the Discipline Committee and no finding of sexual abuse against the member by the Committee; and
 - (c) there is no pending review by the Board of the referral to the Committee and no disposition by the Board inconsistent with the referral to the Committee.
 - (8) If the Committee is unable to take action under this section because the conditions set out in subsection (7) have not been met, it may refer the matter to the Executive Committee.
22. A member's admission under section 21 to behaviour or remarks of a sexual nature and the results of any assessment undergone or measure undertaken under that section shall not be used as evidence that the member committed an act of professional misconduct.

ONTARIO REGULATION 530198
made under the
OPTICIANRY ACT, 1991

Made: July 23, 1998 Approved: September 30, 1998 Filed: October 2, 1998
Amending O.Reg. 219/94 (General)

Note: Ontario Regulation 219/94 has not previously been amended.

1. Ontario Regulation 219/94 is amended by adding the following Parts:

PART IV
INSPECTIONS

23. (1) On request, every member shall permit an inspector appointed by the college who shows written evidence of the appointment to inspect and examine premises used by the member in connection with his or her practice, instruments and other equipment, and books, accounts, reports and records of the member relating to his or her practice.
- (2) The inspector shall prepare an inspection report and, as soon as it is completed, shall provide a copy of it to the member and to the Registrar.
- (3) On receiving the inspection report, the member shall indicate by signature that he or she has received it and has read the information in it.