

# *The College Viewpoint*

*The College of Opticians regulates and improves the practice of Opticians in the public interest*

Newsletter, Issue 2, December 2004

## HOLIDAY ISSUE

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President and the  
Registrar

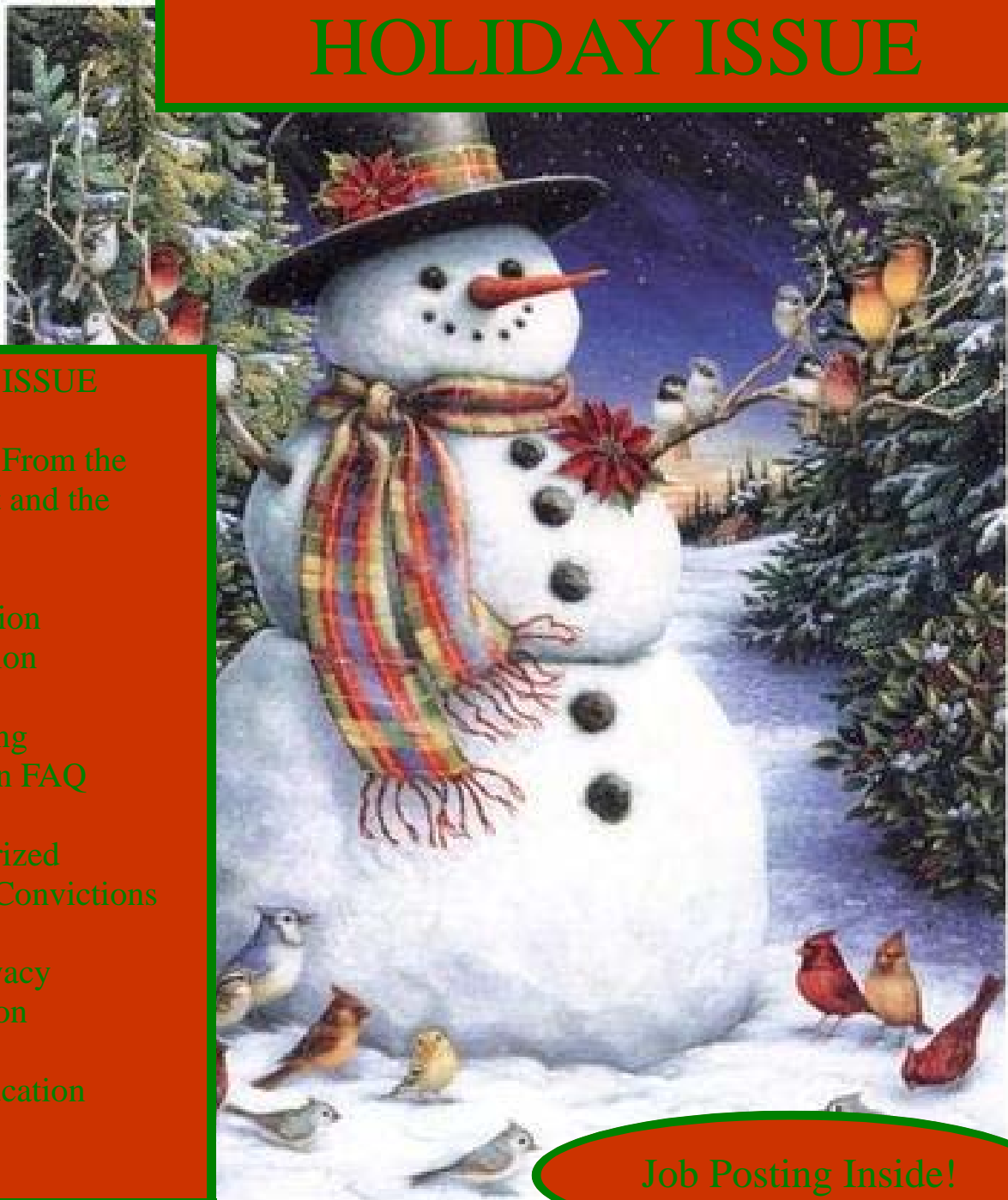
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# *The College Viewpoint*

## *College of Opticians of Ontario*

*The College of Opticians regulates and improves the practice of Opticians in the public interest*

### **Council**

#### *Executive Committee*

Cathi Mietkiewicz, RO - Chair  
Brian Kavanagh, RO - Vice-Chair  
Jeff Fernandes, RO  
Francis-Clare Fraboni, Public Member  
Sogie Sabeta, Public Member

#### *Council Members*

Cathi Mietkiewicz, RO - *President*  
Brian Kavanagh, RO - *Vice-President*  
Jeff Fernandes, RO  
Mike Smart, RO  
Bryan Todd, RO  
Janice Schmidt, RO  
Fazal Khan, RO  
Francis-Clare Fraboni, Public Member  
Andi Shi, Public Member  
Rosemary Limarzi, Public Member  
Sogie Sabeta, Public Member  
Jit Takar, Public Member

#### *Appointed Non-Council Members*

Colleen Karir, RO  
Robert Vezina, RO  
Rick Hayward, RO  
Jim Lipa, RO  
Akwasi Boayke, RO  
Susan Borins, RO

College Office Hours  
8:30 a.m. to 4:30 p.m.

#### **CONTACT US**

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## A Joint Message from Your Registrar and Your President

Already December you say? It seems that the fall has come and gone in a blur of meetings and activities, and as the holiday season approaches, we would like to reflect on events of the 2004 year.

Improving communications with all the groups that interact with the College has been a high priority for us this year.

We have had the pleasure of meeting with Opticians from across the province throughout the year and appreciate the invitations to speak at Optician continuing education seminars that have been extended to us by the OOA, OAC, the Academy of Ophthalmic Education and Ophthalmic Educational Seminars. The opportunity to meet Ontario Opticians and update them on current issues has been rewarding for us and hopefully helpful to Members.

We have been full participatory members of the following national Opticianry organizations: the National Association of Canadian Opticianry Regulators (NACOR), the Opticians Council of Canada (OCC) and the National Examinations Committee. Attending the meetings of these committees has given us the opportunity to build relationships with Opticianry groups across the country.

The Ministry of Health and Long-Term Care has agreed to several meetings with us this year. The Ministry has been very friendly and supportive at these meetings. Through these ongoing communications we have been able to raise the profile of the profession of Opticianry within the Ministry.

The College of Opticians formalized a number of plans and projects in the 2004 year.

One of the highlights is the beginning stages of a Jurisprudence project. Jurisprudence is a key element of self-regulation for Opticians. It deals with a wide variety of subjects such as, legislation, ethics, standards and professional practice. A new Jurisprudence PowerPoint presentation was developed and delivered to a large group of Opticians who attended the Academy of Ophthalmic Education in Toronto.

We will continue to work on this project and provide updates in our newsletter, on our website and at various Continuing Education presentations throughout the Province in the 2005 year.

We continue to work hard to resolve the issue of refraction. While at this time, the ban remains in place and Opticians still may not perform refractions, we are hopeful that the relationships we have fostered with a multitude of stakeholders this year will assist the College in reaching a satisfactory resolution. The Ontario Opticians Association has continued to be a leader in this area and we are grateful for the respectful, professional relationship we enjoy with them while they act on behalf of Opticians to move this issue forward. The President of the OOA, Lorne Kashin, in particular has been working hard on behalf of the Opticians of Ontario to lobby the government for changes in the scope of practice for Opticians and working to lift the ban on refraction. The College continues to support the position that Opticians in Ontario should be allowed to perform refractions, provided the appropriate public protection mechanisms are in place.

We would like to acknowledge the efforts of both of the teaching colleges, Georgian and Seneca. Both programs incorporate refraction in their basic programs and have developed post-graduate refracting programs. On a broader scale, both organizations have been active participants in the development of refracting competencies, national accreditation standards and have been active members of the Opticians Council of Canada. Their ongoing commitment to the profession of Opticianry should be acknowledged and commended. It has been our pleasure to work with them on a multitude of issues this year and we look forward to a continued relationship that will benefit the profession and the public.

The highest compliment that can be paid to either of us is hearing from Members that the College has become more approachable in recent years. We have been fortunate to hear that from a number of individual Opticians, Interns, Students and outside stakeholders this year. We hope that has been your experience this year too!

We will continue, to the best of our abilities, to meet the challenges facing the College and the profession, while keeping a firm focus on the organization's mission, vision and strategic goals and its statutory responsibility to protect the public.

Best wishes for a happy holiday season,

Cathi Mietkiewicz, RO  
President

Caroline MacIsaac-Power, RO  
Registrar

## Registration

The Registration department at the College would like to take this opportunity to inform its Members of some of the important information surrounding registration and renewals specifically to address any questions Opticians may have regarding the processes of the Registration department.

### Registration Renewals:

Renewal forms were mailed to all eligible Opticians in Ontario during the week of October 25, 2004. The renewal fee is \$685.00, plus GST. (The total required payment is \$732.95 with tax). Opticians may pay the fee by certified or personal cheque, money-order, Visa or MasterCard (please note that the College will not accept payment in cash). Cheques should be made out to the College of Opticians of Ontario.

Each year the Registration department receives renewal forms that are missing vital documents such as insurance forms or photos. In the interest of lowering the costs associated with incomplete renewals, the College asks that each Optician follow the instructions outlined on the renewal form and include all requested documents when submitting their 2004 renewal. There is a \$25.00 administrative fee for incomplete packages.

Renewals that are not received by the College on or before December 31, 2004 will be subject to a late fee of \$107.00 (GST included).

### New Student Registration:

Students who wish to Register with the College of Opticians must be enrolled in the Opticianry program at one of the recognized educational institutions in Ontario (Seneca College, Georgian College). Students should contact the College after receiving confirmation of enrolment to request a Student Registration application form. Students must include 2 current, passport-size pictures that are signed and dated on the reverse with their application. The fee to Register as a student Optician is \$107.00 (GST included).

### Reinstatements:

For the reinstatement of Opticians who have been Registered within the past three years, the process is as follows:

A letter must be written to the College from the applicant who wishes to reinstate. The College will then send out the appropriate reinstatement forms for the applicant to fill out. Once the forms are received at the College, they are reviewed by the Registrar. Once the Optician has been reinstated, the Quality Assurance department will check to ensure that all continuing education requirements have been met. (The continuing education program does not stop when an Optician allows their license to "lapse.")

The Registration Committee evaluates all applications for reinstatement that are over three years. Applicants must submit a letter that details their involvement in the field of Opticianry during the time since they were last Registered. The Committee then determines what steps (if any) the applicant must take in order to be reinstated.

### Mutual Recognition Agreement (MRA):

The Mutual Recognition Agreement is a Federal Government initiated contract created to act as a facilitator of labour mobility between provincial Opticianry Regulators. To date, all but one province (Quebec) has signed the agreement which allows Registered Opticians in any of the signed Provinces to work in any of the other Provinces that have signed the agreement provided that they meet all of the requirements under the Act. Ontario signed the MRA on September 28, 2001 along with five other Provinces.

Opticians who are registered for eyeglasses only in other Provinces are required to provide a letter of good standing from the regulatory body in that province and to enrol in the NAIT Contact Lens Program. They may register as Students Opticians with the College of Opticians of Ontario. Upon graduation from the NAIT Contact Lens program, they become eligible to attempt the National Contact Lens Exam. If they are successful, they may then apply for a certificate of registration as a Registered Optician in Ontario.

MRA applicants who are Registered for both eyeglasses and contact lenses in another province must provide a letter of good standing from the College of Opticians in their home Province prior to being eligible to Register in Ontario.

# Unauthorized Practice CONVICTIONS

**May 20, 2004**

**Cristall Opticians** pled guilty to charges of being the employer of Anna Bravo and Luisa DiSalvo, who performed the controlled act of dispensing without being registered with the College of Opticians, on May 20, 2004. In accordance with a joint submission, the court sentenced Cristall Opticians to one year probation and a fine of \$17,000.00.

**September 22, 2004**

On September 22, 2004, **Henry Karreman** was found in contempt of two previous court orders. As a result, Mr. Karreman has been fined \$10,000.00, must permanently close the Streetsville Eye Care store and remove all stock furnishings in it or sell the store and its contents by September 30, 2004 and pay the College's legal costs for the motion in the amount of \$36,795.05. Mr. Karreman must also comply with the previous court orders obtained against him (on which this contempt motion was based) in 1995 and 1998.



The Quality Assurance department of the College has an array of responsibilities which it is mandated to fulfill. One of its highest priorities is ensuring that Optician Members of the College continue to maintain a high level of professional knowledge and skill by seeking out and completing accredited continuing education activities. Currently, the membership is divided into three separate, three year credit cycles. At the end of each of these cycles, those Members whose current cycle is ending (cycles end on December thirty-first of each year) are required to submit a continuing education package that contains a minimum of thirty continuing education credits.

The following information should help those Opticians who are unsure of their personal credit cycle. All Opticians who were first registered with the College of Opticians prior to 1998, or who were first registered in the year 2001 are on credit cycle number one which began on January 1, 2002 and which will end on December 31, 2004 (this year). All Opticians who were first registered in 1999 or 2002 are on credit cycle number 2 which began on January 1, 2003 and which will end on December 31, 2005. All Opticians who were first registered in 2000 or 2003 are on credit cycle number three which began January 1<sup>st</sup> of this year and which will end on December 31, 2006. If an Optician is unsure of the year they were first registered, they should contact either the Registration or the Quality Assurance department at the College to find out this information.

The credit requirements for each cycle are divided into five separate categories. These categories are: Eyeglass credits (EG), Contact Lens credits (CL), General Business credits (GB), Professional Experience credits (PE) and Professional Activity credits (PA). Opticians are required by the Quality Assurance Committee to obtain a minimum of

eight EG as well as a minimum of eight CL credits for each three year cycle as part of the thirty credit total. There is no maximum number of these types of credits, in fact it is possible for Opticians to claim all thirty of their required credits in these two categories alone. The GB, PA and PE credits have no set minimum requirement; however it is important to note that there is a maximum cap of five credits per cycle for each of these three categories. Essentially this means that Opticians may claim up to, but not above five GB, PA and PE credits per cycle, for a potential total of fifteen credits.

One of the most frequently asked questions that the Quality Assurance department receives is how many credits an Optician can claim for working full time. This answer is best explained by examining the way in which these credits (PE) are calculated. The College has determined that for every 600 hours an Optician spends working within their practice, one PE credit may be claimed up to a maximum of five (as noted above), indicating that if during the course of a three year cycle, an Optician has worked for three-thousand hours or more, they are eligible to claim five credits under this category.

Another question that is frequently asked by the Membership is whether the College keeps track of the number of credits each Optician has acquired to date in the College database. The answer to this question is that the College does not keep a record of the seminars that its Members have attended. The College only records the information after receiving the Opticians claims package containing all of the credit slips from that cycle. It is therefore the responsibility of the Optician to file and keep record of the seminars they have completed. If a Member has misplaced a credit, it is recommended that they contact the provider of the seminar they attended to obtain a copy of their credits.

The College will annually send a claims package to those Members whose credits are due in October of the same year. Credit slips should not be sent to the College prior to the distribution of this claims package.

## Continuing Education

Need more education towards your current cycle? Try [www.seikoeyewear.com](http://www.seikoeyewear.com). The following courses have been approved for the credits shown:

Advances in Progressive Lens Design: 1EG  
Understanding Anti-Reflective Coatings: 1EG  
The Rationale for Aspheric Lenses: 1EG  
Progressive Dispensing Tips, Techniques and Technology: 1EG  
Ten Ways to Effectively Dispense High Index: 1EG  
Understanding Three-Piece Mounting: 1EG  
Handling Difficult Patients: 1GB  
The Power of Brand Names: 1GB

# PRIVACY

# Update

## What the New *Personal Health Information Protection Act* Means for Practitioners

By Richard Steinecke

On November 1, 2004 new provincial privacy legislation specifically designed for the handling of health information will go into effect. The legislation's impact on practitioners will likely be largely positive. It will clarify matters about consent that may have been uncertain under the current federal legislation, the *Personal Information Protection and Electronic Documents Act* (PIPEDA).

The *Personal Health Information Protection Act, 2004* (PHIPA) applies to any collection, use and disclosure of personal health information by a "health information custodian". This is a significant expansion from PIPEDA which generally applied only to practitioners working in private practice. PHIPA will apply to almost all practitioners in clinical practice.

In essence, PHIPA applies to any personal health information collected, used or disclosed by a custodian (i.e., health practitioners and facilities) regardless of whether the custodian engages in commercial activities. Practitioners who work for a health facility or health agency will generally be able to fit under their information practices. Each custodian must appoint an information officer, called a "contact person".

First the bad news. PHIPA imposes a few new, and perhaps, onerous obligations. For example, if there is a privacy breach, custodians have an obligation to notify their client of the theft, loss or unauthorized access. There is also an explicit duty on agents of custodians, like a practitioner employed by a health facility, to notify the custodian if the agent has been involved in a security breach.

PHIPA is enforced by the Ontario Information and Privacy Commissioner. The Commissioner has broad powers of investigation and can directly order a custodian to comply with their PHIPA obligations. Practitioners are also subject to prosecution for breaches of PHIPA and to civil actions for damages, including a maximum of \$10,000 for mental anguish.

However, the good news is that PHIPA clarifies a number of ambiguities that exist under both PIPEDA and under the current patchwork quilt of statute and case law.

PHIPA provides more workable consent procedures for the collection, use and disclosure of personal health information. Generally implied consent will be sufficient in the course of providing health care. A poster or brochure readily available and likely to be seen by a client can be used to support implied consent. Practitioners can even assume implied consent for disclosure of personal health information to other custodians who are treating the client. In addition, practitioners can usually assume that a signed consent form relating to personal health information is valid. Also, the rules for substituted consent for information handling are very similar to those for substituted consent for treatment decisions.

Some recurring problem areas are also addressed by PHIPA. For example, a direction from a client not to record pertinent information is invalid. Also, if a client directs that relevant information not be provided to another custodian, practitioners can warn the recipient that they are receiving only part of the file.

PHIPA also provides for more scope for using and disclosing personal health information without the client's consent. These include using the information for health care planning and delivery, risk management and education. Disclosure of personal health information can generally be made without consent to others on the health care team, to provide basic status reports on those admitted to facilities, to support families and friends of a deceased client, for audit and accreditation purposes, for serious safety issues and to successor custodians (e.g., the purchaser of a practitioner's practice).

PHIPA requires that reasonable safeguards be taken to protect personal health information. As noted above, clients have the right to be advised of privacy breaches. IT suppliers to custodians must comply with certain standards. However, with client consent, records can be reasonably stored at the client's home or at an off-site storage facility.

In addition, *PHIPA* provides for a more health-specific system for client access and correction of their records. For example, access requests can be refused for quality assurance information, for raw data from psychological tests and where there is a risk of significant harm to either the client or others. Correction requests can be declined for professional opinions and observations and, in many circumstances, where the record was provided by another custodian. In addition, custodians do not have to provide copies of corrected records (or statements of disagreements) to those the custodian has previously disclosed the disputed personal health information unless the notification would have an impact on the client's care or otherwise benefit the client.

Most practitioners who have developed privacy policies to comply with PIPEDA will only have to make minor adjustments to them as a result of *PHIPA*.

Accompanying *PHIPA* is a related statute called the *Quality of Care Information Protection Act, 2004*. *QCIPA* protects certain information from being used against a practitioner or other custodian in any civil or other proceeding (including discipline proceedings). For example, information compiled by a risk management committee at a facility or by the College's quality assurance program about a practitioner is protected. Even information collected by a practitioner in order to comply with the College's quality assurance program cannot be used against the practitioner. This statute will provide greater assurance to practitioners so that, when they take steps to improve their practice or that of their facility, they will not be creating liability for themselves.

*Richard Steinecke is the author of A Complete Guide to the Regulated Health Professions Act and has written and spoken extensively on privacy law.*

For more information about Privacy Legislation, see the College's website at:  
[www.coptont.org](http://www.coptont.org)

Or visit the website of the Privacy Commissioner of Canada at: [www.privcom.gc.ca](http://www.privcom.gc.ca).

## Practice Advisor Position Available

The College of Opticians of Ontario (COO) is seeking a Practice Advisor. This position is also responsible for the Complaints and Unauthorized Practice Committees of the College. The position reports to the Director of Professional Practice. The successful applicant will be a member of a dedicated administrative team that administers the *Regulated Health Professions Act, 1991* and the *Opticianry Act, 1991*.

The College is located in downtown Toronto. Some travel and evening work may be required.

### Responsibilities:

- Provide practice advice by telephone, written and/or electronically to the membership and the general public.
- Assist the membership and the general public in understanding quality Opticianry practices that are consistent with current legislation, COO Regulations and By-laws, COO Standards of Professional Practice, and College Policies.
- Maintain, develop and improve existing processes in all areas of Complaints and Unauthorized Practice in conjunction with the Committee, Council and the Registrar, including referrals as appropriate.
- Assign and monitor College Investigators in Complaints and Unauthorized Practice matters as directed by the Committee.
- Work closely with legal counsel on matters related to complaints and unauthorized practice.
- Provide alternate dispute resolution services in complaints matters.
- Attend off-site meetings as necessary (e.g. Federation of Health Regulatory Colleges of Ontario).
- Carry out other responsibilities and duties as assigned.

### Qualifications:

- Currently registered and in good standing with the College of Opticians.
- Recent practical experience as an Optician (minimum 5 years).
- Knowledgeable and competent with computer technology (Microsoft Office).
- A good command of the English language providing excellent written and verbal communication skills.
- Ability to work well in a collaborative environment.
- Ability to work independently with minimal supervision.
- Excellent organizational skills.
- Some experience working in a not-for-profit environment or other health regulatory agency would be considered an asset.

### Preferred Education/Skills:

- Post Secondary Graduate
- Formal business, information technology and/or communications training or equivalent experience would be preferred.
- Bilingualism (English/French) would be an asset.

Please submit a cover letter, including salary expectations, and a detailed resume to:

Bev Sloan, CAO  
College of Opticians of Ontario  
85 Richmond Street West, Suite 902  
Toronto, Ontario M5H 2C9

e-mail: bsloan@coptont.org

Fax: 416-368-2713  
1-800-990-9698

Deadline for submissions is Friday, January 7, 2005. Only those candidates selected for an interview will be contacted. *This position will remain open until a suitable candidate is chosen.*

Standards Of Practice Update

**New Standards of Practice Update:**

The Standards of Practice Committee of the College of Opticians has recently completed a draft of a new Standards of Practice document. The Document has been reviewed by the College's legal counsel.

Members of the Standards Committee including the Chair and Manager along with the Registrar and the College President met with the College's legal counsel early in December to finalize the draft.

The document is scheduled to go before Council early in 2005 and will be made available to the Membership and College stakeholders for comment shortly. The College will continue to update the Membership on any relevant developments relating to this process as they occur.



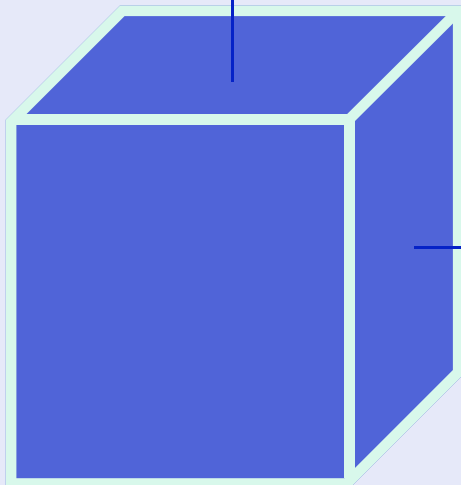
**APPOINTED MEMBERS WANTED**

The College of Opticians has immediate openings for Appointed Non-Council members commencing in 2005. These positions run for a two-year term. Appointed members are eligible to serve on the College's Discipline Committee, Complaints Committee and Quality Assurance Committee. In the first year of appointment all Appointed Members serve on the Discipline Committee. In the second year positions open up on the other two Committees. An Honorarium is paid for attending Committee meetings, as well as incurred expenses.

To apply for one of these positions please submit a covering letter and resume to the attention of Bev Sloan, Chief Administrative Officer by January 15, 2005. Submissions will be accepted by mail, fax and e-mail (bsloan@coptont.org). Following assessment of all applicants, interviews will be arranged with the Executive Committee. Successful candidates will begin their two-year term immediately. The term will run from date of appointment to December 2006. To be eligible for consideration you must be currently registered in good standing with the College.

Information on the above-noted Committees and on the College in general may be obtained by visiting the College website at [www.coptont.org](http://www.coptont.org). Please contact Bev Sloan with any questions or to find out more about this exciting opportunity.

We encourage you to become involved. For a small investment in time and energy, you can make a difference!



# College News

## Congratulations!

This year at the annual Vision East Expo, the College held a Draw for 2 gift certificates to Indigo books. Congratulations from the College to Wendy Haines and Rick Hayward, whose names were drawn.

## Questions?

The President and the Registrar are available to speak about the latest developments in current issues, to answer your questions, whatever the topic. You can find out more about the plans for the future in scope of practice, provincial privacy legislation, delegation and more. Or perhaps your group has a topic of particular interest that you would like the College to address. Just ask us.

Contact:

Caroline MacIsaac-Power  
Registrar  
phone 1-800-990-9793  
email [cpower@coptont.org](mailto:cpower@coptont.org)

## Refraction Courses

### Georgian College

#### **The Theory of Refraction: HSCI 0060**

This course is designed to introduce opticians to the art and science of refraction. The program will emphasize various theoretical and clinical refractive techniques (and related instrumentation/equipment) currently used for the detection of ametropia of the human eye. This course will also cover defects of vision and the visual pathway, inherent psychophysical limitations of visual perception, patient demographics, ocular manifested systemic conditions and pharmacology.

For more information about this course, please contact Georgian College at: (705) 728-1968

### Seneca College

#### **Principles of Refractometry: ROP120**

This professional development subject is designed to foster students' understanding of the tests and methodologies used for oculo-visual assessment and refractometry. Students are introduced to the components of the complete eye examination, clinical relevance of procedures, interpretation and the protocol for recording results. Indications for referral are emphasized.

For more information about this course, please contact Seneca College at: (416) 368-3616

**College Staff  
&  
Departments**



<b>NAME &amp; DEPARTMENT</b>	<b>EXTENSION</b>	<b>E-MAIL ADDRESS</b>
<b>Caroline MacIsaac-Power, RO</b> Registrar	210	<a href="mailto:cpower@coptont.org">cpower@coptont.org</a>
<b>Bev Sloan</b> Chief Administrative Officer	208	<a href="mailto:bsloan@coptont.org">bsloan@coptont.org</a>
<b>Mina Vidakovic</b> Manager of Registration and Examinations	205	<a href="mailto:mvidakovic@coptont.org">mvidakovic@coptont.org</a>
<b>Karen Campbell</b> Manager of Complaints & Unauthorized Practice	203	<a href="mailto:kcampbell@coptont.org">kcampbell@coptont.org</a>
<b>Jeff Sloan</b> Acting Manager of Quality Assurance and Patient Relations	207	<a href="mailto:jsloan@coptont.org">jsloan@coptont.org</a>
<b>Maria Bisko</b> Administrative Assistant	209	<a href="mailto:mbisko@coptont.org">mbisko@coptont.org</a>
<b>Keisha Simpson</b> Administrative Assistant	201	<a href="mailto:ksimpson@coptont.org">ksimpson@coptont.org</a>
<b>Sarah Sackrule</b> Receptionist	200	<a href="mailto:mail@coptont.org">mail@coptont.org</a>
<b>Belinda Forrest</b> Manager of Quality Assurance	212	<a href="mailto:bforrest@coptont.org">bforrest@coptont.org</a>
<b>Denise Bailey</b> Coordinator of Membership Services	-	Leave of Absence

## *Election Update*

### Elections 2004

Congratulations to Mike Smart and Janice Schmidt on being elected to Council for another three year term. Mr. Smart has been elected by acclamation for District 4; and Ms. Schmidt was elected, also by acclamation, for district 6. The College looks forward to working with both Mr. Smart and Ms. Schmidt again in 2005.

In other election news, the College did not receive any electoral nominations for District 1. Nomination forms for District 1 will once again be circulated along with new dates in the near future.

## Call to Vote - District 1

Want to make a difference in your profession?

Every year the College holds elections in one or more of the voting districts. Once every three years, the district in which you vote will have an election. It may surprise you to know that the College has attempted two elections in District #1 this year, and has yet to receive a single nomination.

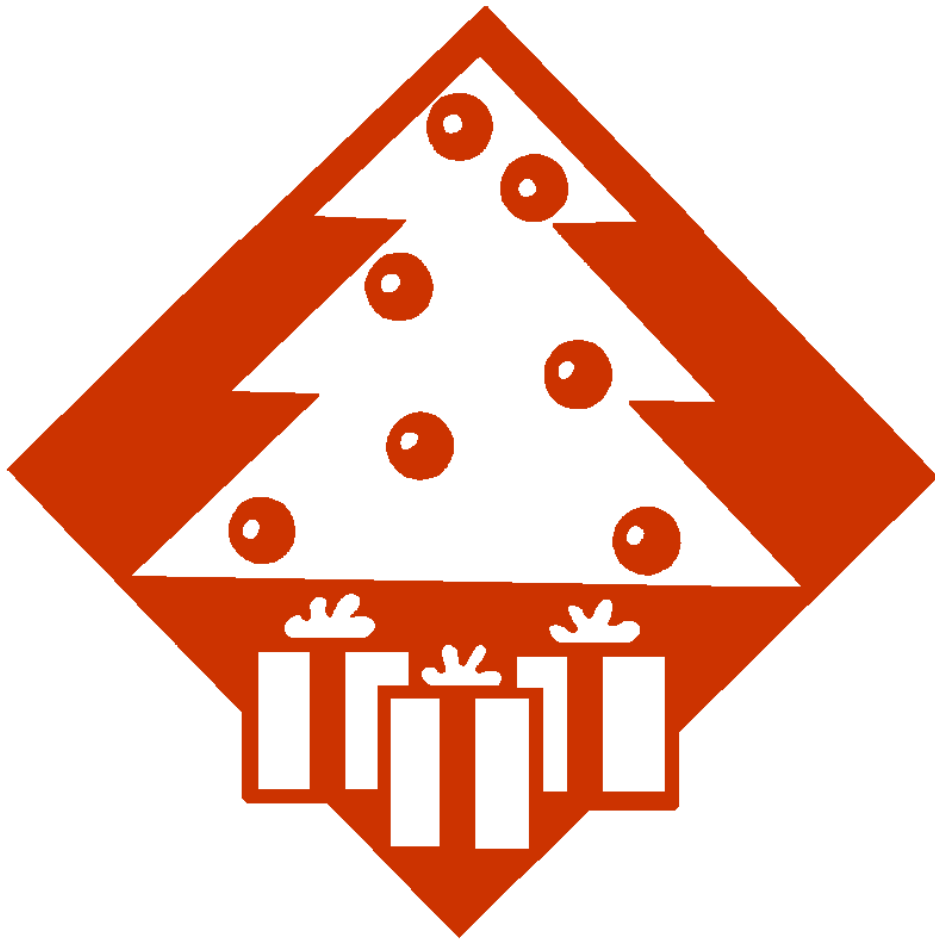
The College is in need of expert advice from a diverse cross-section of professionals representing the opinions of Opticians all across the province of Ontario.

The Council of the College of Opticians is responsible for making many of the decisions that will directly affect the Membership. Have a voice in how your College conducts business.

The College would love to have you onboard, so don't be shy. When the next call for nominations comes around, drop your name in the hat and start making a difference.



Newsletter, Issue 2, December 2004



Happy Holidays!