

the college VIEWPOINT

Vol 11 September 2011 | www.coptont.org

EFFICIENCY

INTEGRITY

ACCOUNTABILITY

TRANSPARENCY

This Issue:

President's Message

Optician Renewals 2012

Professional Boundaries

Unauthorized Practice Convictions - 2011

New Quality Assurance Program

National Tolerance Standards

Regulating Technology

Your Health Records

College Elections 2011

National Public Awareness and Education Initiative

Patient Access to Personal Health Information Policy

Have you Moved or Changed Employers?

Protecting the Public



College of
Opticians of
Ontario



WHAT'S INSIDE

- 1** How to Reach Us
- 1** Staff Directory
- 2** Important Dates & Events Calendar
- 3** Council Members
- 4** President's Message
- 5** **Optician Renewals 2012**
- 6** Group Emails - Membership Communications
- 7** Professional Boundaries
- 8** Unauthorized Practice Convictions 2011
- 9** **New Quality Assurance Program**
- 10** National Tolerance Standards
- 11** Regulating Technology
- 12** Your Health Records
- 13** **College Elections 2011**
- 14** National Public Awareness and Education Initiative – Update
- 15-17** Patient Access to Personal Health Information Policy
- 18** Have you Moved or Changed Employers?
- 19** Back Page
- BC** Bookmark our Website

NEED ASSISTANCE?

HERE'S HOW YOU CAN REACH US.

Mailing Address

902-85 Richmond Street West
Toronto, ON. M5H 2C9

General Information Desk

416-368-3616 Ext: 200
Toll-Free in Ontario:
1-800-990-9793
Fax: 416 368-2713
Toll Free Fax: 1-800 990 9698
mail@coptont.org
www.coptont.org

For other information, contact the appropriate department

Registration Department

416-368-3616 Ext: 209
registration@coptont.org

Practice Advice

416-368-3616 Ext: 203
practiceadvice@coptont.org

Elections & Public Register

416-368-3616 Ext: 204
elections@coptont.org;

Examinations

examinations@coptont.org

Complaints & Unauthorized Practice Intake Officer

416-368-3616 Ext: 212
complaints@coptont.org

Discipline Decisions

416-368-3616 Ext: 213
discipline@coptont.org

Quality Assurance

416-368-3616 Ext. 207
qa@coptont.org

Letters to the Editor

416-368-3616 Ext. 207
lgibson@coptont.org

Website

416-368-3616 Ext. 207
lgibson@coptont.org

Documents on the Web

Visit www.coptont.org
Select Resource Room

College Office Hours:

Monday to Friday
8:30 am to 4:30 pm

Holiday Office Hours:

Refer to the College website for Office Hours & closure updates.

STAFF DIRECTORY

Main Office Number (416) 368-3616 Toll Free 1-800 990-9793

Bev Sloan <i>Interim Registrar</i>	ext. 208	bsloan@coptont.org
Brandi Park <i>Manager, Professional Programs</i>	ext. 205	bpark@coptont.org
Belinda Forrest <i>Manager, Professional Affairs</i>	ext. 213	bforrest@coptont.org
Lisa Gibson <i>Manager, Communications and Quality Assurance</i>	ext. 207	lgibson@coptont.org
Denise Bailey <i>Coordinator, Registration</i>	ext. 209	dbailey@coptont.org
Keisha Simpson <i>Manager, Information and Systems</i>	ext. 204	ksimpson@coptont.org
<i>Coordinator, Professional Programs</i>	ext. 212	
Natalie Dalcourt, RO <i>Manager, Professional Practice</i>	ext. 203	ndalcourt@coptont.org
Melisse Willems <i>General Counsel</i>	ext. 206	mwilliams@coptont.org-
Katie Chimirri <i>Coordinator, Operations and Administration</i>	ext. 200	mail@coptont.org



IMPORTANT DATES

Discipline Hearing Dates

For information regarding upcoming discipline hearing dates, please check the college website at www.coptont.org under "Discipline". The College asks that you please notify us if you are interested in attending a discipline hearing. Please note that discipline hearing dates and times are subject to change.

College Office - Holiday Hours

Visit www.coptont.org for updates, regarding holiday office hours, dates open, closed & early closures.

Council Meetings - Updates

Visit COO website www.coptont.org

NATIONAL EXAMS:

Dates: Friday October 21, 2011

Saturday October 22, 2011

Sunday October 23, 2011

Location: Georgian College, Barrie

Information about the national examination content, fees, and process can be obtained by calling the National Association of Canadian Optician Regulators (NACOR) office at 1-866-949-1950 or by visiting the NACOR website at www.nacor.ca

EVENTS CALENDAR

PROVINCIAL EVENTS:

October 29-30, 2011

**The Academy of Ophthalmic Education
36th Bi-Annual Continuing Education
Seminar and Optifair Canada Trade Show**
Embassy Grand Convention Centre,
Brampton, Ontario

INTERNATIONAL EVENTS:

September 21-25, 2011 (Conference)

September 22-24, 2011 (Exhibition)

International Vision Expo West
Sands Expo & Convention Centre,
Las Vegas, Nevada

NATIONAL EVENTS:

October 14-16, 2011

Vision Canada 2011
Delta Vancouver Airport Hotel
Vancouver, British Columbia

Stay informed on all important issues.
Visit www.coptont.org



COUNCIL MEMBERS

- Fazal Khan, RO | *President*
- Rob Vezina, RO | *Vice-President*
- Gloria Baltazar | *Public Member*
- Parm Dhillon, RO | *Optician Member*
- Peggy Dreyer, RO | *Optician Member*
- Jeff Fernandes, RO | *Optician Member*
- Roque Fernandes, RO | *Optician Member*
- Frances-Clare Fraboni | *Public Member*
- Junaide Hakim, RO | *Optician Member*
- Eve Hoch | *Public Member*
- Librado Ibe, Jr. | *Public Member*
- David Milne | *Public Member*
- Marvin Ross | *Public Member*
- Bryan Todd, RO | *Optician Member*
- Udham Tonk | *Public Member*

APPOINTED NON-COUNCIL MEMBERS

- Kim Brander, RO
- Marilyn Fron, RO
- Paul Imola, RO
- Dennis Lam, RO
- Derick Summers, RO

EXECUTIVE COMMITTEE

- Fazal Khan, RO | *Chair*
- Rob Vezina, RO | *Vice Chair*
- Parm Dhillon, RO | *Elected Member*
- Buddy Ibe | *Public Member*
- Marvin Ross | *Public Member*

ONGOING UPDATES

The College website is frequently updated to ensure its membership and the public are kept informed. Please visit www.coptont.org regularly for the latest information on the profession.

VISIT:

Resource Room: Your main document source

Member Feedback Section: Contains all packages mailed to stakeholders for comments

Direct any questions or comments regarding the website to: lgibson@coptont.org

Does The College Have Your Email Address?

Ensure receipt of timely updates and College communications.

Provide your email address to enable database inclusion

- Email To: mail@coptont.org
- Optician #:
- First Name:
- Last Name:
- Home Email Address:

Add mail@coptont.org to your safe contacts address in your email

The College understands the importance of protecting personal information.

Refer to the COO's On-Line Privacy Statement.

Frequently Used Websites

(refer to the College website for a complete listing):

College of Opticians of Ontario
www.coptont.org

Opticianry Associations:

Opticians Association of Canada
www.opticians.ca

Ontario Opticians Association
www.ontario-opticians.com

National Association of Canadian Optician Regulators
www.nacor.ca

Ontario Opticianry Education Institutions:

Seneca College of Applied Arts and Technology – Your Career In Opticianry
www.senecac.on.ca/parttime/pip-opticianry.html

www.senecac.on.ca/fulltime/OPTD.html

Georgian College - Opticianry
www.georgianc.on.ca/academics/programs/program_info.php?major=OPTI



PRESIDENT'S MESSAGE



Fazal Khan, RO
President

The return to school for many and the end of summer holidays marks the final stretch to the end of the year. This fall will certainly be a busy period for the College. Several topics are on the horizon including updating of College by-laws, changes to the Quality Assurance and Registration Regulations and the Delegation Standards of Practice. I would like to take this opportunity to update you on some of these topics.

The Policy of the Ministry of Health and Long-Term Care, as embodied into the *Regulated Health Professions Act 1991*, is to encourage safe and effective delegation of controlled acts by the health professionals authorized to perform them. Accordingly, a draft Standard of Practice for Delegation has been circulated to stakeholders for review and comment and has been revisited by the Delegation Committee. While the proposed Standard of Practice for Delegation was developed to ensure the highest possible level of patient care and to maximize patient choice and access to services within current legislation, the College respects the professionalism of its members. The Standard of Practice for Delegation leaves the final choice to delegate with the member. There is no onus nor requirement to delegate but if the optician chooses to do so, the College has outlined in its Standard of Practice how delegation is to take place.

The Patient Relations Committee has been tasked with exploring the changing environment, particularly the implications for delivery of optical services through the internet. The College realizes that many patients are turning to the internet as a source for their eye care needs. To that end the College is working on developing frameworks for Opticians to harness the internet in a manner that protects the public interest. At the same time, the College is developing strategies to deal with unauthorized dispensing taking place over the internet.

Unauthorized practice is a costly endeavor at the provincial level as has been seen with the Great Glasses case. Dealing with the internet could prove to be just as challenging or more so. Other professions are facing similar challenges. I am encouraged to inform you that the College has been dialoging over the past 18 months with our colleagues in Optometry. Ultimately the most cost efficient and effective way to tackle this common issue is through sharing of information and workload and presenting a common and consistent message to stakeholders such as the government.

The College supports the national public awareness and education initiative with the best interest of serving and protecting the public as it relates to Ontario Opticians. Public awareness and education is key to enable Licensed Opticians, Registered with the College to be the preferred choice by the public for their eye care needs. Together with the support of all Ontario Opticians we can be a consistent voice nationally.

The proposed amendments to the Quality Assurance regulation are in their final stages and awaiting enactment from the government. In preparation for passing of the Amended Regulation, the Quality Assurance Committee has worked diligently over the past year to develop a Quality Assurance program model that will support Opticians in maintaining their competency and demonstrate to the public that they are competent practitioners. The central focus of the new Quality Assurance program is that the members are encouraged to be self-directed and select continuing education activities that meet their own learning needs and professional interests. Optician members decide what they want to

learn, and how they will go about learning the new skill or knowledge by creating an individual portfolio that reflects individual members' areas of specialization and growth. Over the coming months a series of in-depth presentations about the new Quality Assurance program will be conducted at the various continuing education events to educate and assist the membership in the transition to the new program. I encourage you to read the details contained in the Quality Assurance article within this newsletter.

As announced in June, Ms. Caroline MacIsaac-Power is no longer with the College as our Registrar. We bid her a fond farewell and thank her for contribution to the College and the profession at the provincial, national and international levels. Her efforts in many projects such as children's vision screening and the national public awareness and education initiative will not be forgotten. The College has engaged the recruitment firm Leader Quest Inc. to assist us with the search for a new Registrar. In the interim, our Deputy Registrar, Ms. Beverly Sloan has taken on the responsibilities as Interim Registrar. The Council is very grateful for Ms. Sloan's assistance in this time of transition.

Elections for members to the Council are taking place in districts 1, 5 and 8. Now is your opportunity to join the Council of the College and make a difference.

Finally, I applaud the membership for taking time to respond to stakeholder feedback requests. I have had the opportunity to see firsthand how this feedback has influenced the refinement process of the various policies of the College.

As always, I encourage you to stay engaged, working together for the betterment of the profession in the interest of the public.

“the proposed Standard of Practice for Delegation was developed to ensure the highest possible level of patient care and to maximize patient choice and access to services within current legislation”



OPTICIAN RENEWALS 2012

A renewal package will be mailed to your home address on file on October 31, 2011. If you have recently moved or will be moving please send in your updated mailing address to the College to ensure receipt of your renewal package and to avoid any late fees. Your completed renewal form should be received by the College no later than December 31, 2011. Should you have any questions

regarding the renewal process contact Denise Bailey, Coordinator of Registration, at dbailey@coptont.org or at (416) 368-3616, extension 209. You may also visit our website at www.coptont.org/MEMBERS/opticianrenewal.asp for additional information.

HealthForceOntario

What you do counts!

This is a reminder to please fill out your license renewal forms completely.

The information for the Health Professions Database is coming from your completed forms. So please take the time to answer the questions fully. Under the *Regulated Health Professions Act, 1991*, you are required to provide the information requested on the forms. The database will lead to **better information, better decisions** and **better health** for Ontarians. We're asking for your cooperation in this important endeavor.

Thank you.

For more information please visit www.healthforceontario.ca



**Better Information.
Better Decisions.
Better Health.**





College of
Opticians of
Ontario

Accountability
Accessibility
Commitment



This email was sent from The College of Opticians of Ontario.

*To ensure you receive COO emails in your inbox,
please add mail@coptont.org to your safe contacts list.*

COO Membership
COMMUNICATIONS UPDATE
January 2011
REMINDER

Dear Optician Member,

Communications Update Launch Announcement: Group Email Communication - Current Optician Members

The College is pleased to announce the launch of a group email communication program that will enable us to communicate with the membership in a timely, effective and efficient way.

This program is part of the College's commitment to fostering an open and accountable relationship with the membership. If you have provided more than one email address, the College will use your home email for communication.

What you can do:

- To ensure you receive College emails in your inbox, please add mail@coptont.org to your safe contacts list
- Ensure the College has your current home or other email address

Given that the College will be using email to communicate important practice and membership information, participation in the email program will be mandatory for all current and active members. The email software contains a built-in unsubscribe link. Should you click the unsubscribe link, you will receive an email from the College asking you to resubscribe to ensure that you continue to receive these important notices.

The College is respectful of your privacy and mindful of your time. We will not sell your email addresses to anyone nor will we abuse the email program.

We welcome your feedback. Please send your comments about our email program to mail@coptont.org. We will continue to monitor and develop the program as needed to ensure that it is a useful and positive resource.

Sincerely,
College of Opticians of Ontario

You received this e-mail because our records indicate that you are a current and active member of the College of Opticians of Ontario. Refer to coptont.org for the COO Website Privacy Statement and Group Email Policy.

E-Mails Will Include

- Information and updates about important practice and advisory matters, including notice of new standards & other changes that may affect your practice
- Information about registration and renewal
- Links to draft materials and requests for member feedback as part of overall stakeholder consultation on matters relevant to the practice of opticianry
- Links to College publications such as our Newsletters and Annual Reports
- Legal Updates
- Surveys

Find out more: visit
www.coptont.org

This email was sent to mail@coptont.org by mail@coptont.org.
Update Profile/Email Address | Instant removal with SafeUnsubscribe™ | Privacy Policy.
College of Opticians of Ontario | 85 Richmond St. W. Ste 902 | Toronto | ON | M1T 1Z3 | coptont.org

The College of Opticians of Ontario supports the National Public Awareness Initiative by the Opticians Council of Canada.
Learn more about Licensed Opticians & your vision. Visit: www.LicensedOptician.ca



PROFESSIONAL BOUNDARIES

KNOW WHEN THE LINE HAS BEEN CROSSED

Provided by the Federation of Health Regulatory Colleges of Ontario (FHRCO)

You visit a health provider for what they can deliver – competent, safe and quality care. A large component of this is maintaining professional ethics and boundaries.

“Acting ethically and in the patient’s best interests is at the core of professionalism,” says Jo-Ann Willson, President of the Federation of Health Regulatory Colleges of Ontario (FHRCO). “You have the right to expect that your health care provider won’t step over the line – and you have the right to complain if they do.”

FHRCO is the body that comprises Ontario’s 25 health regulatory colleges, which together govern almost 260,000 health professionals and hold them accountable for their conduct and practice (see www.regulatedhealthprofessions.on.ca). Each college has guidelines about responsible conduct and expected ethical behaviour.

The importance of maintaining boundaries in health care goes all the way back to the Hippocratic Oath, some 2,400 years ago. According to one translation, doctors pledged to act only for the good of their patients, keeping themselves “far from all intentional ill-doing and all seduction”. The principle is just as true today.

While boundary crossing isn’t common, it does happen. What is a boundary crossing? Some cases are extreme, like sexual misconduct. However boundaries can blur for many reasons – a care provider asks personal questions unrelated to your issues, reveals too much personal information, asks you to invest with them, makes value judgments about your lifestyle, or other inappropriate scenarios. Patients themselves may cross the line by, for instance, offering their provider free use of a holiday home, buying them a gift, or inviting them for lunch.

“When boundaries disappear, objectivity can diminish, and health care can be compromised,” says Willson. “Professional boundaries have been described as the spaces between the care provider’s power and the patient’s vulnerability. Any inappropriate cross-over into those spaces, or confusion between the needs of the care provider and the needs of the patient, can be problematic.”

Some gestures that constitute boundary crossing might seem perfectly innocent – that gift to your provider might be a simple token of appreciation, with nothing expected in return. But the provider or others may see it as something else – asking for special treatment, or assuming a special relationship.

“It’s always the provider’s responsibility to keep interactions with patients as professional as possible and to maintain boundaries, even if it’s the patient who’s trying to cross them,” Willson says. “That’s what will contribute to the most beneficial relationship and best care.”

We Care About Your Care. FHRCO comprises Ontario’s 25 health regulatory colleges, which govern over 260,000 health professionals. The colleges support these professionals in providing the people of Ontario with safe, competent and ethical health care; and hold them accountable for their conduct and practice. For more on how the health regulatory colleges protect you, and a list of all colleges, contact FHRCO at www.regulatedhealthprofessions.on.ca.

Article updated December 1, 2010





UNAUTHORIZED PRACTICE CONVICTIONS 2011

Ontario Superior Court of Justice Justice Pollack

College of Opticians of Ontario - Applicant

75190 Ontario Inc. o/a Optical Center and Mohammed Raheem - Respondents

1. **This Court Declares** that the respondent, 1575190 Ontario Inc., violated s 42(1) of the *Regulated Health Professions Act, 1991* as it knowingly employed an individual who performed the controlled act of dispensing in the course of his employment while not being authorized to do so;
 - i. Holding himself or herself out as a person who is qualified to practice in Ontario as an optician unless he or she is a member in good standing of the College of Opticians of Ontario; and
 - ii. Performing the controlled act of dispensing subnormal vision devices, contact lenses or eye glasses unless he or she is legally authorized to do so;
2. **This Court Declares** that the respondent, Mohammed Raheem:
 - i. Violated s. 27(1) of the *Regulated Health Professions Act, 1991* by performing the controlled act of dispensing in the course of providing health care services; and
 - ii. Breached s. 9(3) of the *Opticianry Act, 1991* by holding himself out as a person who is qualified to practice in Ontario as an optician or in a specialty of opticianry;
3. **This Court Orders** 1575190 Ontario Inc., and anyone employed by or otherwise acting on its behalf to comply with section 9 of the *Opticianry Act, 1991* and section 27 of the *Regulated Health Professions Act, 1991* and, in particular, that anyone employed by or otherwise acting on behalf of 1575190 Ontario Inc. refrain from:
 - i. Holding himself or herself out as a person who is qualified to practice in Ontario as an optician unless he or she is a member in good standing of the College of Opticians of Ontario;
 - ii. Performing the controlled act of dispensing subnormal vision devices, contact lenses or eye glasses unless he or she is legally authorized to do so;
4. **This Court Orders** Mohammed Raheem and anyone employed by or otherwise acting on his behalf to comply with section 9 of the *Opticianry Act, 1991* and section 27 of the *Regulated Health Professions Act, 1991* and, in particular, that Mohammed Raheem and anyone employed by or otherwise acting on his behalf refrain from:
 - i. Holding himself or herself out as a person who is qualified to practice in Ontario as an optician unless he or she is a member in good standing of the College of Opticians of Ontario;
 - ii. Performing the controlled act of dispensing subnormal vision devices, contact lenses or eye glasses unless he or she is legally authorized to do so;
5. **This Court Orders** that the respondents, jointly and severally, pay to the applicant, the College of Opticians of Ontario, the costs of this application fixed in the amount of \$3,000.00 payable in three installments of \$1000 each due on August 1, September 1, and October 1, 2011.

For full details on recent Unauthorized Practice Convictions, please visit the college website: www.coptont.org/UNAUTHORIZED/2011.asp- Visit www.coptont.org (*Click Unauthorized Practice; Click Convictions; Click 2011*)





NEW QUALITY ASSURANCE PROGRAM

UPDATE...COMING SOON!

In 2012 the College will be launching new Quality Assurance requirements. Recent Ontario legislation has amended the *Regulated Health Professions Act, 1991* (RHPA) to require more rigorous Quality Assurance (QA) Programs for the regulated health professions in Ontario. The amended RHPA states a QA program must consist of a self, peer and practice assessment.

To ensure the program aligns with the legislative requirements the College and the Quality Assurance Committee has worked diligently over the past year developing a model that will support Opticians in maintaining their competency and demonstrate to the public that they are competent practitioners.

What is the revised QA Program?

The revised program has three components:

1. **QA Competency Enhancement** - the following tools are completed on a regular basis:
 - a. Professional Portfolio includes: completing a self-assessment tool, learning plan and log participation in Continuing Education. These activities are completed annually.
 - b. Jurisprudence and Sexual Abuse Prevention Self-Evaluation Tool are completed every three years.
2. **QA Competency Review and Evaluation** -Members are randomly selected yearly to participate in:

Step 1

- a. Portfolio Review
- b. Multi-source Feedback Survey Progress

Step 2

- c. On-site Practice Assessment – Only for those members identified in Step 1 as requiring an in-depth assessment of their practice

3. **QA Competency Improvement** – Remediation program for those members who are identified in Competency Review and Evaluation as requiring educational support.

How does this affect current Continuing Education hour requirements?

It is an expectation that all Opticians complete their required number of Continuing Education Credits for this year and submit confirmation when requested by the College. It is anticipated that the new QA Program will be implemented in early 2012 – pending the passing of the proposed changes to the Regulation specific to Quality Assurance (Ontario Regulation 219/94. Part III Quality Assurance).

In the new QA Program Opticians will be expected to complete 16 Continuing Education Hours and maintain a Continuing Education Log. Continuing Education includes activities that are accredited (i.e. attending an accredited conference or teleconference) and self-directed activities that are not accredited (i.e. reading a journal article, reviewing online resources, attending a non-credited education session). **A total of (16)* Continuing Educational Hours is completed annually. Eight (8) of these hours are from accredited sources. Therefore, the requirement to engage in 30 credits per individual cycle has been reduced to eight (8) accredited hours annually.**

*** Additional 2 CE Accredited hours for Refracting Opticians.**

When selected for Competency Review and Evaluation the member will submit the Professional Portfolio materials including the learning log.

When will the new QA materials be circulated to Opticians?

The revised model will come into effect when the amended Regulation is passed by the Ministry of Health and Long-Term Care.

The College is anticipating circulating the Professional Portfolio materials (forms and user guide) in late fall 2011. If the regulation is passed in 2011, members will start their Professional Portfolio materials; and may be selected to participate in Competency Review and Evaluation in early 2012.

How can I get involved in the QA Program tools development?

The QA Program is educational in nature and the philosophy is that Opticians are competent practitioners. To ensure the QA program is practice relevant the College will seek member input and request participation in the Competency Review and Evaluation tool development.

Over the past two years member participation was obtained in the development of the Professional Portfolio materials. Further input will be sought in the development of the multisource feedback survey and onsite practice assessment tools.

It is important that a wide-range of practices is represented during focus group discussion and item writing sessions. As self-regulated professionals it is important that Opticians actively participate in the tool development phase to help ensure the tools are practice relevant and useful to members.

Watch for email notices and further communications requiring the revised QA program requirements. Be active, have a voice, and keep informed by participating in the QA Program revision teleconferences and focus groups.



NATIONAL TOLERANCE STANDARDS

FOR PRESCRIPTION SPECTACLE LENSES IN CANADIAN OPTICIANRY

---In addition to regulating the practice of Opticianry in Ontario and governing its members in accordance with legislation, regulations and by-laws, the College of Opticians of Ontario (COO) has among its objects the development, establishment and maintenance of standards of practice to assure the quality of practice of the profession. The Standards of Practice provide guidance to members as to their duties and obligations as members of a health profession. The Standards of Practice also provide the College with benchmarks against which it can measure members' conduct and competence in the course of investigating complaints, as well as in peer assessments and quality assurance reviews. Accordingly, members are required to comply with eyeglass fabrication benchmarks for acceptable tolerance levels as set out in the Standards of Practice. The College is pleased that it has been able to lead the project to adopt national tolerance standards for prescription spectacle lenses.

In September 2009, the College's Quality Assurance Committee was asked to undertake a review and comparison of the technical tolerance standards for prescription spectacle lenses that are currently accepted in Ontario under the College's Professional Standards of Practice for Opticians in the Province of Ontario and those technical standards that are

used by Opticians in other Canadian provinces. The goal of this review was to establish which technical standards best ensured quality care for patients and to move closer to the adoption of uniform standards across Canada.

The current technical tolerance standards for prescription spectacle lenses contained in the College's Standards of Practice are those established by the American National Standards Institute (ANSI). ANSI Z80.1 *Ophthalmics – Prescription Spectacle Lenses* apply to the processing of all prescription ophthalmic spectacle lenses in edged or assembled form and provide a guideline for optical laboratories applicable to prescription eyewear prior to transfer for dispensing, and for the optician prior to the delivery of the finished eyewear to the patient. ANSI Z80.1 was last revised in 2010.

Based on the results of the review, the College's Council concluded that the Standards of Practice should continue to incorporate ANSI Z80.1. ANSI requires that standards are developed in an "open" process, involving consensus decision-making and adherence to procedural due process. ANSI Z80.1 is supported by research and was developed through the joint efforts of stakeholders in the

ophthalmic lens industry, including representatives from optometry, ophthalmology, lens manufacturers, and lens suppliers. Based on the College's conclusion, members of the National Association of Canadian Optician Regulators have agreed to recommend that ANSI Z80.1 be adopted as a national standard.

On May 2, 2011, the College confirmed its support of adopting ANSI Z80.1 as the national standard for technical tolerance standards for spectacle lenses. The College is hopeful that the other provincial regulators will also do so.

The Standards of Practice are in the process of being updated to replace the tolerance charts with those developed in 2010. On account that the charts associated with technical standards published in the COO's Standards of Practice are ever evolving, members must ensure that any tolerance chart being used in everyday practice is updated on an on-going basis to reflect what is being published by the College. Please refer to the College of Opticians of Ontario's Standards of Practice, located on our website at www.coptont.org via the Resource Room, to view the ANSI Z80.1 technical tolerance standards for Ophthalmics – Prescription Spectacle Lenses.



REGULATING TECHNOLOGY

Provided by Steinecke Maciura Leblanc and Grey Areas;

A Commentary on legal issues affecting professional regulation. Issue: November/December 2010 No. 151

We like to say that technology does not affect one's professional responsibilities. Most of the time that is correct. A record made on paper needs to contain the same information as electronic records. They need to be retained for the same period of time. They need to be edited in the same way (i.e., original entry is not destroyed, the change is clearly dated and identified as such). They need to be kept in a secure and confidential manner.

But there are ways in which electronic records are materially different from paper ones. The recent WikiLeaks disclosure demonstrates this point. The potential for a massive privacy breach is much greater for electronic records. For that reason the Information and Privacy Commissioner of Ontario has declared that all electronic health information on portable devices must be encrypted, while this is not required for paper records removed from the office.

The challenge for regulators is to identify the areas where the maxim "the same principles apply" does not apply. The following are some examples where this might be the case.

Record Keeping and Communications. As noted above, there are some aspects of electronic records that are materially different from their paper counterparts. In addition, electronic technology permits the easy introduction of measures that are impractical for paper records including an audit trail, differing levels of access by others in the organization, wholesale encryption and remote access. Regulators need to consider whether special rules are needed for these functions.

Another challenge with technology is that the ease of use fosters different practices.

The most obvious example is email. Many practitioners (lawyers, perhaps, being worst example) and their clients are unwilling to forego the convenience of unencrypted email. This is despite the fact that such an email is little different from a postcard, where the practitioner would never dream of recording sensitive information.

Telepractice. Perhaps one of the first electronic issues, there is still no clear consensus among regulators about individuals who use technology to cross borders. (Without technology one conjures up the image of two people yelling across a provincial boundary). Surprisingly few court cases have come to grips with this issue. Many regulators take the position that the practitioner is practising in both the jurisdiction in which the practitioner is located and the jurisdiction in which the client is located. Obviously there are unusual circumstances that are difficult to peg, such as where an Ontario practitioner in Ontario is giving urgent advice to an Ontario client who just happens to be on a trip to Florida at the time.

However, the main issue here is enforceability. It is almost impossible for the regulator to address practitioners who are outside of the jurisdiction offering goods or services to persons within the regulator's jurisdiction. Unless the regulator in the practitioner's jurisdiction is prepared to take action, the regulator in the client's jurisdiction can rarely do anything. This scenario provides another good reason for regulators to form strong links with their equivalent bodies in other jurisdictions. Note the recent discussions about regulating the securities industry in Canada.

Professional / Personal Distinctions. The barrier between a practitioner's personal life

(which rarely attracted regulatory scrutiny) and a practitioner's professional life is blurred by technology. Previously the biggest issue is whether the practitioner's website was more analogous to a bulletin board in the practitioner's office (in which thank you notes and other testimonials and subjective information was tolerated) or to an advertisement in the media (where the strict advertising rules applied). The issue was complicated by issues of client consent for the disclosure and one's view as to the passive nature of a website.

However, far more complex issues are raised by the proliferation of social media, such as Facebook. Social media raise concerns not only about endorsements and testimonials (which are often not solicited by the practitioner), but also about expression of personal opinions (e.g., about issues outside of the practitioner's professional expertise or that may be inaccurate, offensive or disturbing to their clients), self-disclosure (e.g., which removes the professional distance required by some, particularly health practitioners) and personal morality (e.g., substance abuse by teachers).

In addition, technology like Google Places permits the posting of subjective opinions and testimonials with minimal or even no participation by the practitioner. At least a letter to the editor was screened by people with a commitment to considering the suitability of the information.

When it comes to technology, the challenge for regulators might be captured in the words found in the following proverb: "Grant me the serenity to accept the things I cannot change, the courage to change the things I can, and the wisdom to know the difference."



YOUR HEALTH RECORDS

HEALTH PROFESSIONALS SHARE FOR BEST CARE

Provided by the Federation of Health Regulatory Colleges of Ontario (FHRCO)

In a survey by the EKOS research firm, 87% of Canadians agree that timely, easy access to their information for health care providers is key to quality health care. But 1 out of 6 (17%) worry that the information isn't safe and secure. And 60% of Canadians aren't aware of laws to protect the privacy of personal health information.

"In addition to maintaining and keeping your health information, health care professionals have legal and professional obligations to keep that information confidential and secure," says Jo-Ann Willson, President of the Federation of Health Regulatory Colleges of Ontario (FHRCO).

Care providers and others who deliver health services, are considered health information "custodians". Personal health information includes identifying information such as details of a visit to your care provider, your health card number and your family history.

You essentially consent that health care providers collect and use your personal health information for health care purposes only. This may include disclosing this information in certain circumstances. For example when a family doctor refers you to a

specialist, or shares your information with other members of your health care team. You can also prevent them from disclosing your health information to anyone by withdrawing your consent any time.

"Any use or sharing of personal health information has one aim – putting your welfare first," says Willson, President of the Federation of Health Regulatory Colleges of Ontario (FHRCO) which comprises Ontario's 25 health regulatory colleges. Together, they govern over 260,000 health professionals and hold them accountable for their conduct and practice (see www.regulatedhealthprofessions.on.ca).

Willson notes that health information custodians must respond to your inquiries about the health information they keep on you and you can prevent them from disclosing your health information by withdrawing your consent any time.

Can custodians provide your personal health information to anyone else (a third party) without your specific agreement? Only in situations where disclosure is mandatory, e.g. reporting a concern that a child may be in danger to the Children's Aid Society, or legal

proceedings (when a summons, subpoena or court order requests patient records).

You have a right to access and have a copy of your records. In Ontario, the *Personal Health Information Privacy Act* covers the collection, use and disclosure of health records. For details, visit the website of the Information and Privacy Commissioner, www.ipc.on.ca.

We Care About Your Care.
FHRCO comprises Ontario's 25 health regulatory colleges, which govern over 260,000 health professionals. The colleges support these professionals in providing the people of Ontario with safe, competent and ethical health care; and hold them accountable for their conduct and practice. For more on how the health regulatory colleges protect you, and a list of all colleges, contact FHRCO at www.regulatedhealth-professions.on.ca.

Article updated December 1, 2010





COLLEGE ELECTIONS 2011

On Thursday, November 24, 2011, an election will be held for the purpose of electing Council representatives to the College of Opticians of Ontario in the following districts: 1 (Southern Ontario), 5 (Toronto Ontario) and 8 (Central Ontario). The College of Opticians of Ontario is now accepting nominations for the Council Election in these districts; you can download a copy of the nomination package for your district from the COO website at www.coptont.org/ELECTIONS/elections.asp

Members of the Council and statutory committees make decisions that are in the public interest, are important to Opticians, and further the COO's mandate of public protection. By participating in the election, either as a candidate or through voting, you are influencing the future of opticianry practice and regulation. By standing for election, members have the opportunity to directly foster the continued growth of the profession by bringing their knowledge, skills and ability to Council.

All information on the election process, eligibility to run, vote, nominations, terms and districts can be found in the current by-law. You can find an electronic copy of the by-law on our website in the Resource Room. Please visit the College website for additional information on Council and Committee roles and for updated election information. Should you have any questions about the election or the nomination process, please contact **Belinda Forrest**, Manager of Professional Affairs at **416-368-3616 ext. 213** or bforrest@coptont.org

Election Timetable 2011:

DISTRICTS UP FOR ELECTION	CURRENT INCUMBENTS
District 1 (Southern Ontario)	Junaide Hakim, RO
District 5 (Toronto)	Jeff Fernandes, RO
District 8 (Central Ontario)	Fazal Khan, RO

NOMINATIONS/ BALLOTS	DATES
Call for nominations mailed to current members and life members in district 1 or 5 or 8	July 2011
Deadline for nominations to be received	September 20, 2011
Ballot packages mailed to current members and life members in district 1, 5 or 8	October 2011
Election day (deadline for ballots to be received)	November 24, 2011 (before 4:30 pm)



NATIONAL PUBLIC AWARENESS AND EDUCATION INITIATIVE - UPDATE

(Provided by The Opticians Council of Canada)

Opticians Respond to the Call

Engaging Opticians in the national public awareness and education initiative is critical to its success. While we can raise public awareness about our profession, it's the Opticians who deliver the brand promise, assuring the public that they are dealing with a knowledgeable, trained, professional who helps them see better.

In recent months we've focused our efforts in reaching out to Opticians from coast to coast to understand what they know about the Licensed Optician public awareness initiative, if they support it and what's needed to make it work for them.

Participation in the research was very positive. Over 1300 Opticians took the

online survey and a further 300+ participated in focus groups, interviews and regional events. Most Provinces were well represented and we learned a lot.

Research Highlight:

- 88% of Opticians surveyed were aware of the Licensed Optician initiative, 12% were not.
- Only 50% of the surveyed Opticians had signed up on www.licensedoptician.ca to access support tools and information.
- 83% said that the brand would help people understand what an Optician does
- 83% said the brand would have a positive effect on the profession overall
- 66% display the Licensed Optician decal in their place of work

- 88% said they identify themselves as a Licensed Optician to the public

We also gathered some great ideas, quotes and insights which have helped shaped the go forward strategy. Expect further updates, new tools and education in the coming months.

If you are among the 50% who have not signed up on www.LicensedOptician.ca you're missing out on great tools and information to get you going.

Sign up today!





PATIENT ACCESS TO PERSONAL HEALTH INFORMATION POLICY

Council recently approved a policy and explanatory document to guide members in responding to requests by patients to access their personal health information, such as a copy of the patient's prescription or measurements. These materials set out what is and is not acceptable in the face of such requests and aims to assist members in better understanding their responsibilities under the *College's Standards of Practice and the Personal Health Information Protection Act*. Members are encouraged to make themselves familiar with these materials and to contact the College with any questions.

BACKGROUND

In response to inquiries from Opticians and from the public, the College investigated the need for a policy to assist members to understand their rights and obligations when providing patients with access to their personal health information. Research of policies at other health regulatory colleges, the Federation of Health Regulatory Colleges of Ontario and the Office of the Information Privacy Commissioner has provided valuable information for the drafting of this policy.

The general expectation is that members will comply with the *Personal Health Information Protection Act, 2004* and the College's Standards of Practice.

This policy deals strictly with access by patients to their own personal health

information. A separate policy dealing with disclosure of personal health information to third parties is in development.

POLICY

All members of the College, including Opticians, interns and students, are required to comply with the *Personal Health Information Protection Act, 2004* (PHIPA) and the College's Standards of Practice. This policy is not intended to reduce or limit the responsibilities of members under PHIPA or the *Standards of Practice*.

Upon request by a patient, an Optician must provide the patient with access to his or her personal health information that is in the custody or control of the Optician. An Optician may also provide a patient with access to his or her own personal health information even if the patient does not expressly request the access.

Except for the limited exceptions set out in section 54 of PHIPA, an Optician must respond to a request for access *as soon as possible in the circumstances* but no later than 30 days after receiving the request.

Opticians may require a request from a patient for access to or a copy of his or her personal health information to be in writing. An Optician may not, however, require a patient to explain why they want the information.

Opticians may charge a fee for providing a patient with access to his or her personal health information if the Optician first provides an estimate of the fee to the patient. The fee must not exceed the Optician's reasonable cost recovery. An Optician may not charge a patient for providing ocular measurement information beyond the reasonable cost of providing access to that information unless the patient has been advised of the charge before the measurements were taken.

An Optician may only refuse to provide a patient with access to his or her personal health information if the refusal is permitted under PHIPA. The Optician *must* consult the accompanying *Explanatory Document* and section 52 of PHIPA for a comprehensive explanation of the exceptions to a patient's right of access.

It is the ultimate responsibility of the Optician to ensure that a patient's right to access personal health information that is in the custody or control of the Optician is complied with.

FOR MORE INFORMATION

For more comprehensive information regarding access to personal health information, please refer to the *Explanatory Document* accompanying this policy, as well as the *Personal Health Information Protection Act, 2004*.



PATIENT ACCESS TO PERSONAL HEALTH INFORMATION POLICY

EXPLANATORY DOCUMENT

Under the *Personal Health Information Protection Act, 2004* (PHIPA), a patient has a right of access to his or her own personal health information and the Optician has a corresponding obligation to provide access in accordance with PHIPA. Requesting access to and a copy of their records is a patient's right.

The *physical record* of a patient's personal health information belongs to the Optician, but the *personal health information* contained within the record belongs to the patient.

Who does this policy apply to?

This policy applies to members of the College who have custody or control of personal health information. Although Opticians may permit students or interns to assist in providing access to a patient of their personal health information, the ultimate responsibility in ensuring that a patient's right of access is satisfied lies with the Optician.

Students and interns must ensure that they do not provide access to a patient's health information that would directly or inadvertently violate the requirements of PHIPA and this Policy. Before responding to a request for access, a student or intern must consult with their supervising Optician.

What is "Personal Health Information"?

Personal health information is defined in section 4(1) of PHIPA. It relates to the health information collected by an Optician during the course of the patient/practitioner relationship. Personal health information would include all of the information that is required to be recorded in the patient file according to the College's Professional

Standards of Practice, Standard 6 (Records). Personal health information may also include information that is not required to be recorded in the patient file such as insurance information or a patient's health card number. Opticians should review the definition of personal health information to ensure that they are familiar with what information may be accessed by a patient.

Who can request access to Personal Health Information?

The patient may request access to his or her own personal health information that is in the custody or control of the Optician. "Access" is different from "disclosure". The term "access" in PHIPA refers to the right of a patient to obtain his or her own personal health information. The term "disclosure" in PHIPA is used in relation to providing personal health information about a patient to a third-party (i.e. someone other than the patient).

The Optician must always remember that while patients have the right to access their own personal health information, they are under no obligation to explain why they want the information. It would therefore be inappropriate for the Optician to ask the patient why they are making the request.

How is Personal Health Information released to the patient?

An Optician *may* provide a patient with access to his or her personal health information if the patient orally requests the access. An Optician *must* provide a patient with access if the request is in writing. An Optician may also provide access to a patient even if they have not expressly requested access.

Opticians may require a patient to submit their request in writing. This can be typed

or handwritten and does not have to be formal or follow any particular format so long as the Optician can identify what information is being requested.

Before providing access, the Optician must take reasonable steps to determine the patient's identity. This would normally be satisfied by viewing photo identification to confirm the identity.

A fee may be charged by the Optician to reflect the reasonable cost of providing access to the information, such as photocopy charges. In order to charge a fee, the optician must first provide the patient with an estimate of the fee.

The fee for reasonable cost recovery would not permit an Optician to charge the patient for the provision of health care services such as the taking of ocular measurements. If an Optician wants to be able to charge a patient for taking measurements, he or she must advise the patient before taking the measurements that there will be a fee for that service. If the Optician does not inform a patient before taking measurements that there may be a separate charge for that service (e.g. in the event that the patient does not purchase from the Optician), the Optician may not ask the patient to pay a fee if a patient requests access to the measurement information other than the reasonable cost associated with providing access to that information.

Except for the limited exceptions set out in section 54 of PHIPA, an Optician must respond to a request for access *as soon as possible in the circumstances* but no later than 30 days after receiving the request. An Optician shall not unreasonably delay in responding to a request for access from a patient to his or her personal health information.



An Optician may permit a student or intern who they are supervising to assist them with providing access to a patient's personal health information. For example, a student or intern could make a copy of a prescription and give it to the patient on behalf of the Optician. Before doing so, however, the Optician must consider the specific request for access and provide direction to the student or intern about what he or she may provide to the patient. It would not be appropriate for a student or intern to respond to a request for access by a patient without first consulting with the Optician. Opticians are reminded that they are ultimately responsible for the patient record and all personal health information of their patients.

When to refuse access?

An Optician may only refuse to permit access by a patient to their personal health information if the refusal is authorized by PHIPA. Please read section 52 of PHIPA for the list of exceptions.

It should be noted that there are very few exceptions to the patient's right of access

to their personal health information. It should also be noted that it would be very rare for any of the exceptions to arise in the context of practicing Opticianry. For example, section 52(e)(i) of PHIPA provides that access can be refused if granting access could reasonably be expected to "result in a risk of serious harm to the treatment or recovery of the individual or a risk of serious bodily harm to the individual or another person". This clause is intended to be a very narrow exception. The exception would be applied to individual patients on a "case by case" basis after a full analysis of the circumstances has been completed. The exception would not, for example, permit an Optician to refuse access to a patient to his or her ocular measurements on the basis that the information would be used to purchase prescription eyeglasses or contact lenses from someone who is not an Optician, Optometrist or Physician. In any event, if an Optician is of the opinion that access should be refused because of risk to the patient, PHIPA requires that he or she must first consult with a Physician or Psychologist about the risk.

Opticians are reminded that they are not to put up artificial barriers to their patients' right to access their personal health information

Where can I get more information?

To reference the complete provisions concerning a patient's right to access their personal health information under PHIPA and the College's Standards of Practice, please go to the College website at www.coptont.org and follow the links under "Resource Room".

Members of the College and the public can also call the College at 416-368-3616 if they have questions about this policy.



-
- i "personal health information", subject to subsections (3) and (4), means identifying information about an individual in oral or recorded form, if the information,
 - (a) relates to the physical or mental health of the individual, including information that consists of the health history of the individual's family,
 - (b) relates to the providing of health care to the individual, including the identification of a person as a provider of health care to the individual,
 - (c) is a plan of service within the meaning of the *Home Care and Community Services Act, 1994* for the individual,
 - (d) relates to payments or eligibility for health care, or eligibility for coverage for health care, in respect of the individual,
 - (e) relates to the donation by the individual of any body part or bodily substance of the individual or is derived from the testing or examination of any such body part or bodily substance,
 - (f) is the individual's health number, or
 - (g) identifies an individual's substitute decision-maker.



HAVE YOU MOVED OR CHANGED EMPLOYERS?

Each member is required by law to report the address of his or her primary place of Opticianry practice. This address is a matter of public record in the College Register and must be reported promptly. In addition, a member may designate another address as their preferred mailing address for College communications.

If a member is not in active Opticianry practice, he or she may so indicate by checking off the box in the practice address section. However, in that case the member must supply a designated practice address; this address can be a P.O. Box number. Although, your home address is considered private information, if you are not practicing or you are in private practice and designate your home address as your practice address, this will be shared on the public register.

How to change your mailing address with the College:

1. Obtaining a Change of Address Form:
 - Visit www.coptont.org (select Resource Room)
2. Print a Change of Address Form

3. Fax, mail or personally deliver the completed form to:

Fax: (416) 368-2713
 College of Opticians of Ontario
 Registration Department
 905-85 Richmond St. W.
 Toronto, Ontario M5H 2C9

4. Phone the Registration Department and request a change of address form:

- (416) 368-3616, ext. 209
- 1-800-990-9793, ext. 209 (toll free in Ontario)

Change to Insurance Information:

If your insurance information has changed at any point during the current registration year it is your responsibility to ensure that the College receives an up to date Certificate of Being Insured (Under a Professional Liability Insurance Policy) form (COBI)

- To obtain a COBI visit www.coptont.org (select Resource Room)





Bookmark our website

Your Resource

www.coptont.org

Let us help you get the information you need



College of
Opticians of
Ontario

902-85 Richmond Street West

Toronto, ON. M5H 2C9

Phone: 416-368-3616 Toll Free: 1-800-990-9793

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

www.coptont.org mail@coptont.org