
ONTARIO OPTICIAN NEWSLETTER



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JUNE 1998

COLLEGE PROPOSES TO PERMIT CONTROLLED DELEGATION OF DISPENSING

The Council of the College of Opticians of Ontario, at its meeting on May 15, 1998, heard the report of a special working team. This team, composed of Council Members, the Registrar, expert external Optician consultants, and the College's legal counsel, was appointed to work with the Ministry of Health and other vision care stakeholder groups, including Colleges, professional associations and the Vision Council of Canada, in following a Ministry-directed process to implement a number of recommendations on dispensing and delegation which had been given to the Minister by the Red Tape Review Commission. The College of Opticians and the College of Optometrists chaired a number of meetings and held negotiations, with a view to proposing common principles, definition, standards and rules for the controlled act of dispensing, and its delegation. A Final Report was sent to the stakeholder groups and the Ministry held a final meeting on June 1, 1998. The majority of the groups supported the proposals in the Report from the two Colleges. The Ministry will soon report on the process to the Red Tape Review Commission, which will then consider the proposals. Implementation of these proposals would require the Ministry to amend the regulations which currently prohibit the delegation of dispensing.

THE COLLEGE OF OPTICIANS THANKS THE OPTICIANS' ASSOCIATION OF CANADA AND THE ONTARIO OPTICIANS' ASSOCIATION FOR THEIR SUPPORT OF THE FINAL REPORT.

Summary of Proposals for the Delegation of Dispensing

Here are the proposed changes to the definition and delegation of the controlled act of dispensing of eye glasses, contact lenses and sub-normal vision devices.

The College of Optometrists of Ontario and the College of Opticians of Ontario have substantially changed their positions on the regulation of dispensing. They have agreed on a common definition of dispensing and on common principles and essential standards of practice relevant to the practice of dispensing. Most notably, they have set out proposed common rules for delegation of dispensing; this represents a dramatic change from their current prohibition against delegation.

Principles: The two Colleges have agreed on the following matters of principle about dispensing:

1. Dispensing presents a risk of harm to the public, as confirmed by its inclusion in the RHPA as a controlled act.
2. Varying degrees of risk are present in dispensing.
3. Protection of the public from the harm inherent in dispensing is afforded by regulation of all health professionals who are authorized to dispense, accountability of health professionals to their College in maintaining the standards of practice of the profession, and enforcement of the prohibition against unauthorized practice.

4. All health professionals who dispense should be under the regulatory control of, and accountable to, a health profession College in order to ensure an appropriate level of public protection from the risk of harm in dispensing.
5. Physicians and surgeons, opticians, and optometrists are authorized to perform the controlled act of dispensing.
6. The public should have access to safe choices in dispensing as presently provided by three different health care professions.
7. The public should be able to expect equitable care in dispensing from any regulated health professional who dispenses.
8. The public should be able to anticipate quality dispensing care from any regulated health professional who dispenses.

Definition: The two Colleges agree that "dispensing" is the preparation, adaptation, and delivery of eyeglasses, contact lenses or subnormal vision devices to a person.

Standards of Practice: The two Colleges agree that standards of practice in dispensing should include the following: In dispensing, a member shall

1. establish a professional relationship with a person prior to dispensing to that person (once a professional relationship is established with a person, that person is referred to as a patient);
2. identify himself or herself to any patient to whom the member dispenses, and within the record of care made and maintained by the member about that patient;
3. determine and record the specifications of the eyeglasses, contact lenses, or subnormal vision devices to be provided to a patient;
4. confirm and record that the eyeglasses, contact lenses, or subnormal vision devices to be provided or delivered to the patient are appropriate; and
5. provide and record the necessary advice, counseling, and associated care to the patient about the use of the eyeglasses, contact lenses, or subnormal vision devices.

Delegation: **All** functions of dispensing may be delegated, **except** that the three core cognitive functions and behaviours in dispensing **may not** be delegated. A member therefore **may not** delegate

1. the determination and recording of the specifications of the eyeglasses, contact lenses, or subnormal vision devices to be provided to a patient;

2. the confirmation and recording of the appropriateness of the eyeglasses, contact lenses, or subnormal vision devices to be provided or delivered to the patient;
3. the provision and recording of the necessary advice, counseling and associated care to the patient about the use of the eyeglasses, contact lenses, or subnormal vision devices.

Rules: the two Colleges agree that common rules for delegation of dispensing should include the following:

1. A member must have established a professional relationship with a person prior to delegating any part of dispensing for that person (hereinafter the "patient").
2. A member delegating and the person receiving delegation must each be identified in the record of care made by the member about the patient.
3. A member must ensure that the standards of practice of the member's profession are maintained by the person receiving the delegation.
4. A member is responsible for any failure on the part of a person receiving delegation to maintain the standards of practice.
5. A member must be physically present in the same facility with the person receiving delegation at the time the member delegates tasks in dispensing to that person.
6. A member must be physically present in the same facility and available to intervene when a delegated act of dispensing is being performed on a patient.
7. A member must ensure that the tasks which the member delegates be patient-specific and appropriate.
8. A member must identify to the College, at its request, any person to whom a task of dispensing has been delegated.
9. A member must ensure that any person receiving delegation has received training appropriate to the delegated tasks to be performed.

Please note well...

-The Registration Report, including New Opticians, Students and Interns, as well as those who have retired or been suspended for non-payment of fees, will be given in the next Newsletter;

-Upcoming meetings: Council meets on July 17 at the Sheraton Four Points Hotel in Sudbury, in conjunction with Continuing Education Activities; also on September 25 and December 11 in the College office in Toronto;

-All Opticians are reminded that the extra fee for 1998 of \$64.20 (which includes GST) was due and payable on May 31. Those who have not paid will receive Notices of Default/Suspension, and a late fee of \$100.00 will be payable, under the Regulations.

College of Opticians of Ontario

Frequently Asked Questions about

Delegation

July 2004

The College receives many inquiries regarding the issue of delegation, more specifically the circumstances in which an unregistered person can perform tasks in dispensing under delegation from an Optician. Under the *Regulated Health Professions Act, 1991* (RHPA) the "...dispensing, for vision or eye problems, subnormal vision devices, contact lenses or eye glasses other than simple magnifiers" is a controlled act. Unregistered persons may not perform a controlled act as defined in the RHPA. To give a little history on this subject, the College of Opticians and the College of Optometrists and various other stakeholders met several times to develop a policy on delegation. The two Colleges produced a Joint Report on Delegation in 1998. A summary of the report outlining the agreed upon rules for delegation was printed in the College of Opticians' June 1998 newsletter and sent to all Members. The two Colleges agreed that "dispensing" is defined as the preparation, adaptation, and delivery of eye glasses, contact lenses or subnormal vision devices to a person. The two Colleges further agreed that all functions of dispensing may be delegated to an unregistered person with the *exception* of three core cognitive functions (printed here in bold type) and behaviours. An Optician *may not* delegate the following:

1. **The determination and recording of the specifications of the eyeglasses, contact lenses, or subnormal vision devices to be provided to a patient.** This means that an Optician must personally review the order as well as the patient's prescription. The Optician must determine whether the appliance that has been ordered is suitable for the patient, meets the patient's needs and will best achieve the visual correction that the patient requires. The Optician must also decide on the final parameters, and technical specifications of the appliance that is to be ordered. The Optician must sign the order and record the specifications of the appliance on the patient health record.
2. **The confirmation and recording of the appropriateness of the eye glasses, contact lenses or subnormal vision devices to be provided or delivered to the patient.** This means that the Optician must confirm the visual appliance after it has been fabricated according to his or her specifications, such that it is in conformance with the prescription, is suitable for the patient, and best achieves the visual correction that the patient requires. Also, part of this core cognitive function is any testing of the patient's visual acuity after the appliance has been fit to the patient's face. The Optician must record these determinations on the patient health record.
3. **The provision and recording of the necessary advice, counseling, and associated care to the patient about the use of the eye glasses, contact lenses or subnormal vision devices.** This means that the Optician must personally instruct the patient in the use and care of the

particular visual appliance as well as advice about when to come back for a check-up or realignment. This advice must be recorded on the patient health record.

The two Colleges also agreed on common rules for delegation as follows:

1. A member must have established a professional relationship with a person prior to delegating any part of dispensing for that person (hereinafter the "patient").
2. A member delegating and the person receiving delegation must each be identified in the record of care made by the member about the patient.
3. A member must ensure that the standards of practice of the member's profession are maintained by the person receiving the delegation.
4. A member is responsible for any failure on the part of a person receiving delegation to maintain the standards of practice.
5. A member must be physically present in the same facility with the person receiving delegation at the time the member delegates tasks in dispensing to that person.
6. A member must be physically present in the same facility and available to intervene when a delegated act of dispensing is being performed on a patient.
7. A member must ensure that the tasks which the member delegates be patient-specific and appropriate.
8. A member must identify to the College, at its request, any person to whom a task of dispensing has been delegated.
9. A member must ensure that any person receiving delegation has received training appropriate to the delegated tasks to be performed.

It is clear from the rules that an Optician must be on the premises both at the time of the delegation and at the time that the delegated act is being performed. The College of Opticians will not accept that any tasks in dispensing be performed by an unregistered person without the Optician being physically present. Members should be very aware that the decision of whether or not to delegate tasks in dispensing to unregistered personnel lies solely with the Optician and is at all times at his or her discretion. A member should not delegate if, in the member's professional judgment, it is not appropriate to do so, would be contrary to the standards of practice, or would place the member in a conflict of interest.

Please feel free to contact the College for further clarification on delegation.